

March 14, 2012

## Testimony before House Corrections and Juvenile Justice Committee

### DUI Related Issues

Chairwoman Colloton and Members of the Committees,

I am here today on behalf of the Kansas Community Corrections Association (KCCA) to offer some comments regarding the current DUI law.

The Kansas Community Correction Association is comprise of thirty-one statutorily mandated community corrections agencies in each part of the state, governed by county commissions and community advisory boards for both adult and juvenile offenders. They provide cost-effective community-based supervision instead of prison for adult and juvenile offenders with lower severity level offenses (although the offenders are increasingly more severe and high-risk). The courts and sentencing guidelines determine whether an adult offender is assigned to regular probation (through the courts) or intensive supervise probation with graduated sanctions in a community corrections program. Juveniles are also sent to community corrections by district courts through the juvenile offender placement matrix and after they leave the juvenile correctional facilities.

Community corrections agencies are responsible for the supervision of most medium and high-risk DUI offenders. First, KCCA wants to thank the Legislature for the lengthy and thoughtful process that was used to craft SB 6. We are also thankful for the Legislature's commitment to adequately fund the supervision of offenders as a result of changes in the DUI laws in Sub for SB 6.

However, there is one issue the KCCA wanted to make sure received some attention from the Legislature during your review of the DUI law. Senate Bill 6 included in the approved FY 2012 budget for the Kansas Department of Corrections \$1.5 million State General Fund for community corrections. The Governor's budget for FY 12 includes those funds.

Additionally, the bill approved an estimated \$1.1 million in increased fines and fees. One section, Sec. 8 (q) established a fine increase of \$250 for DUI offenses to be deposited in the "community corrections supervision fund." The bill also created fees from those seeking modifications of their current DUI status in Sec. 15 (g) which would deposit revenues in excess of \$100,000 into the "community corrections supervision fund."

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The Kansas Department of Corrections FY 2012 and FY 2013 budgets submitted to the Office of the Governor, included the \$1.5 million in SGF, but they have not included expenditures from the \$1.1 million created in the new "community corrections supervision fund." That means there is \$1.1 million the Legislature appropriated for FY 2013 that is not included in their budget submission.

There have been meetings and communication with the Department of Corrections to discuss this issue. It is our understanding that the KDOC decided they would not spend the fee fund money in the year it is received but would first collect the revenue in FY 12 and then distribute the dollars in FY 2013. It also has been suggested that local courts are not participating in the fee collection process that is seriously limiting the funding that was estimated.

We would request your attention to this subject and encourage some legislative guidance to encourage the Kansas Department of Corrections to spend some the enhanced fee funds in the current year and not wait for the next fiscal year.

I would be happy to stand for questions at the appropriate time.

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Substitute for Senate Bill 6, Kansas Legislature 2011

Sec. 8 (q)

*(q) On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by section 3, and amendments thereto.*

Sec. 15 (g)

*(g) Any person who has had the person's driving privileges suspended or restricted pursuant to subsection (a), (b) or (c) of K.S.A. 8-1014, prior to the amendments by this act, may apply to the division to have the suspension and restriction penalties modified in conformity with the provisions of subsection (a), (b) or (c) of K.S.A. 8-1014, and amendments thereto. The division shall assess an application fee of \$100 for a person to apply to modify the suspension and restriction penalties previously issued. The division shall remit all application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the division of vehicles operating fund until an aggregate amount of \$100,000 is credited to the division of vehicles operating fund. On and after an aggregate amount of \$100,000 is credited to such fund the entire amount of such remittance shall be credited to the community corrections supervision fund created by section 3, and amendments thereto. The application fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such application. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. The division shall modify the suspension and restriction penalties, unless such person's driving privileges have been restricted, suspended, revoked or disqualified pursuant to another action by the division or a court.*