

Testimony on Senate Bill 453

Good morning members of the Senate Judiciary. My name is Gene Johnson, Chairman of the Board of Directors of the Sunflower Alcohol Safety Action Project.

Our agency has been serving the Third Judicial District since 1984. Administrative Judge Nancy Parrish, with the approval of the remaining judges in the Third Judicial District, has positively supported our organization by continuing to re-certify our agency to provide presentence evaluations and supervision monitoring services of individuals convicted of DUI. Since 1984 we've provided some 16,277 presentence evaluations and investigations to the Courts.

The Alcohol Safety Action Project was initially funded by the National Transportation Safety Agency in early 1970. The agency goal was to promote driving safety by reducing alcohol-related fatalities as a result of drinking drivers. The agency's goal remains the same today. The Third Judicial District won approval for a two year grant to maintain a system to deal with DUI offenders from the time of apprehension through completion of probation and alcohol education or treatment as deemed necessary by an alcohol evaluation. That evaluation also provided a presentence report consisting of a complete driving record and a complete criminal history of the offender; an in-depth analysis of the offender so the Court can effectively sentence the offender.

2010 Supp KSA 8-1008 provided the authority for community based alcohol and drug safety action programs(ADSAP). The functions of the community based programs were to provide presentence alcohol/drug evaluations to the courts, and to provide supervision and monitoring of offenders convicted of DUI.

The statute outlined the basic contents of the presentence evaluation and the duties of those who prepare the evaluations. It also directed the sentencing court to assess the cost of the presentence evaluation against the offender, along with court costs, fines, probation/parole fees, and other associated costs.

The statute also provided for the authority of the Chief Judge in a jurisdiction to certify a program to provide those services within its jurisdiction, and gave authority to set the qualifications and requirements of its program to include: supervision and monitoring of offenders, fee reimbursement procedures, delivery of services to indigent offenders, conflicts of interest, and appearances at revocation hearings.

SB6 drastically changed KSA 8-1008 beginning July 1, 2011, striking all language relating to the authority of a Chief Judge to appoint, certify, and set the specific duties of it's alcohol drug safety action program that serve the jurisdiction. It also struck all language relating to the contents of the presentence evaluation, the delivery of services to indigent offenders, the monitoring and supervision of offenders, fee reimbursement, ecetera.

Currently, alcohol and drug evaluations submitted for DUI occurrences after July 1, 2011 will not

contain a driving history or criminal history as was the practice in Shawnee County. Misdemeanor offenders of DUI are now not subject to the presentence report or investigation . All language was stricken via SB6. The law now only requires evaluation of the offenders' alcohol/drug problems, nothing more. It ensures that the only information the evaluator has available is provided by the offender. Additionally, the offender's criminal history won't be received by a sentencing Judge until the offender has committed and is convicted of a 3rd or subsequent offense of DUI.

The Sunflower Alcohol Safety Action Project requests that an exception be made for the Third Judicial District Shawnee County, and that language prior to 2011 legislative session be restored to K.S.A. 8-1008.

Thank you. I will attempt to answer any questions concerning this testimony

Sincerely,

Gene Johnson
Chairman, Board of Directors
Sunflower Alcohol Safety Action Project