

## **TESTIMONY IN SUPPORT of HB 2347 – relating to expungement of traffic infractions**

To: Honorable Chairman, Rep. John Rubin  
Members of the House Committee on Corrections and Juvenile Justice

From: Major General (Retired) Greg Gardner

Date: February 23, 2015

Thank you for the opportunity to provide testimony in support of HB 2347.

I can do this best by telling the story of a recent University of Kansas School of Engineering graduate who cannot get a job in Petroleum Engineering because of a single decision he made at age 20 that appears on his KS driving record as three incidents. Two national companies have told him your driving record has “3 Strikes so you’re out.” One company, actually hired him, brought him to Texas for a week of training, then sent him home to pack his belongs, rent a U-Haul, and report to Liberal KS to start work in the oil fields there. However, the next Monday that company’s contract HR called the young man to tell him he was terminated due to the 3 strikes on his KS driving record. The young man was also selected for employment by another major oil company, but its HR Department also informed him they were sorry they could not hire him due to his 3 strike KS driving record.

So how does a single decision become 3 strikes you ask? At a traffic stop the young man passed a field sobriety test but refused a breathalyzer test. At the time he was 3 months shy of 21 so thinking he would get in trouble for drinking as a minor because of the beer he had at a friend’s house while watching a KU game he refused the breathalyzer. This single decision resulted in 3 strikes on his KS driving record:

- 1) Refusing the Breathalyzer
- 2) Loss of License for a Year due to that refusal
- 3) Restricted License with Ignition Interlock for a year also due to that refusal

The young man paid dearly for that decision, but should he be punished for a lifetime? He cannot get a job as a petroleum engineer whose salaries range from \$66,000-\$192,000 with the average being \$107,000/year. Because of his Engineering degree and good GPA, many local employers would not hire him believing he would soon be hired away by an oil company. Today he is working at poverty level wages as paraprofessional tutoring high school students in algebra.

When I asked his lawyer, he said the young man was not convicted of any crime or traffic infraction so I do not think this law would help him. Despite his situation, I believe, young people should not be punished a lifetime for single decision made as a youth.

I personally know of two young college graduates qualified for well paying jobs that were impacted this way. Therefore, I support HB2347.