

Senate Judiciary Committee  
January 27, 2015  
Senate Bill 22

Jennifer Roth  
on behalf of the Kansas Association of Criminal Defense Lawyers  
Proponent with amendment  
(written only)

Dear Chairman King and Members of the Committee:

Given that K.S.A. 12-4516 is “opened up” by Senate Bill 22, there is an opportunity to correct what is surely an oversight.

Last year in Senate Sub. for HB 2448, the Legislature amended the expungement period for DUI and test refusal from ten years to seven years.<sup>1</sup> The municipal court-version of that statute, K.S.A. 12-4516, was not changed from ten years to seven. (See Senate Sub. for HB 2448, page 15, amending K.S.A. 21-6614.)<sup>2</sup>

K.S.A. 12-4516 relates to expungement opportunities for “any person who has been convicted of a violation of a city ordinance in this state”. It seems unlikely that the Legislature wants people convicted in municipal courts to wait ten years while people convicted in district courts can wait only seven years. If the desire is for both to be the same, we would suggest an amendment to Senate Bill 22 that would delete the language on page 2, lines 29-34 and insert in K.S.A. 12-4516 language that makes it clear that the expungement period is seven years.

Thank you for your consideration,

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<sup>1</sup> This change was originally introduced as HB 2662 but was put into Senate Sub. for HB 2448. The original HB 2662 did not seek to amend K.S.A. 12-4516. While on the topic, K.S.A. 21-6614 was amended another time last year (HB 2338, dealing with a docket fee), resulting in K.S.A. 21-6614e, which says ten years rather than seven.

<sup>2</sup> The Revisor’s 2014 chart indicates that K.S.A. 12-4516 was amended by both HB 2515 and 2578, but the changes did not include the 10-years-to-7-years expungement language.