

House Judiciary – House Bill 2434

February 18, 2020

Kansas Association of Criminal Defense Lawyers

Proponent

Chairman Patton and Members of the Committee:

The Kansas Association of Criminal Defense Lawyers supports HB2434, which would put a stop to the endless cycle of suspensions, jail sentences, and fees for those who are unable to pay their fines from traffic citations.

Under the current system, those who receive traffic citations and are unable to pay the citation by a specified date have their licenses suspended. When such a person has their license suspended, they are often unable to work without driving on a suspended license. Many areas in the state of Kansas do not have reliable and available public transportation to get people where they need to go. This is especially true for those who work industrial jobs or late night shift work as many areas do not have public transportation that runs all night or has available routes to industrial areas. A Kansas driver is forced to choose between breaking the law by driving on a suspended license, or losing employment, which perpetuates their financial struggles and makes it even more difficult to pay fines and reinstatement fees.

Persons who receive a citation for driving while suspended are charged with a misdemeanor crime. That crime carries fines and jail sentences and an extension of the period of suspension of the driver's license. The penalties for a misdemeanor driving while suspended charge go up after the first offense. Meaning that if a person continues to drive while suspended because they have no other transportation available to them, they could face significant jail time and additional fines and suspensions. Additionally, a person must currently pay a reinstatement fee to get their license reinstated. This creates a series of insurmountable hurdles for those who cannot afford to pay for their citations within the specified time.

Section 16 of the Kansas Bill of Rights states "No person shall be imprisoned for debt, except in cases of fraud." The existing statutory scheme and fee structure comes very close to imprisonment for debt. It takes away a privilege (driving) that has all but become a necessity for most people, for the inability to pay costs and fees. It sets up a system where those who continue to drive due to necessity, may end up serving jail time for their inability to pay to get their licenses reinstated.

HB2434 would remove the authority to suspend driving privileges for the nonpayment of fines from traffic citations. It would stop the vicious cycle for members of the public who are

struggling financially and are not able to pay their citations in a timely manner. It would stop pushing those people into the criminal justice system to face misdemeanor charges and battle ever increasing barriers to regaining their driver's licenses. KACDL urges this committee to pass HB2434 and break this cycle for some of Kansas' most vulnerable residents.

Thank you for your consideration,

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