

Testimony in Support of House Bill 2629
House Transportation Committee
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For 45 years, Kansas Legal Services has worked on behalf of our low income clients to help relieve the pressures that compromise their financial stability. This includes resolving legal issues that place undue financial burdens on persons who do not have the ability to pay fines and fees resulting from traffic citations.

Kansas law requires that counties and municipalities sentence persons to mandatory 90 day jail time in the following four categories:

1. Those who are convicted of vehicular homicide,
2. Those who refuse a breathalyzer test,
3. Those who drive with expired or no auto insurance, and
4. Those who get convicted of driving on a suspended license three times, or "habitual offenders."

Which of these groups is not like the other?

Not attending a scheduled court appearance or paying a fine or fee assessed by the courts results in many persons in Kansas automatically getting their driver's licenses suspended. Driving without a valid license results in further fines and reinstatement fees. There are a number of reasons that keep people from showing up to court or not paying a fine. The most common reason is that they are poor -- can't take off from work, can't afford a fine. Often the person with the suspended license still has to drive to work, take their children to school and the doctor, get food for their families at the grocery store, and other necessary trips of everyday life.

This law has no time frame for habitual offending -- it could be three times caught driving while suspended over a person's entire life. It could be the person hasn't gotten convicted in many years, and still has to serve the time even after getting a legal license, getting their lives on track and thriving at a good job. A mandatory 90 day jail sentence would be catastrophic for many people, who could end up losing a job and housing, and a host of other problems that result from not having an income for 90 days.

When the Suspended to Restricted Program was first introduced, the idea was to get people working, so that fines and fees could be paid off. But participating in this program doesn't mean that older convictions, before the program existed disappear. They still carry this mandatory jail time. No group needs this opportunity more than the people who have been convicted of driving while suspended. Some are labeled as habitual offenders because of long-ago convictions. This law sentencing them to 90 days of mandatory jail time is grossly unfair especially after they work hard to resolve the fines and struggle to make things right.

Passage of this bill doesn't mean a Judge can't punish a person for being a habitual violator. That charge remains a misdemeanor, with a possible sentence up to 1 year in jail. This bill just allows the Judge in the individual case to decide the appropriate penalty, rather than the law setting a mandatory penalty for all cases and all circumstances.

Kansas Legal Services (KLS), a statewide non-profit corporation, is devoted to helping low income Kansans meet their basic needs through the provision of important legal and mediation services. KLS is legal aid in Kansas, providing equal access to justice for the most vulnerable Kansans. KLS served more than 18,500 persons in all 105 counties last year through eleven legal services offices and two mediation offices across the state.