

Written Testimony in Opposition of House Bill 2629
House Committee on Transportation

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The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written testimony in opposition of House Bill 2629, and we respectfully request the Committee consider our agency's concerns.

House Bill 2629 eliminates the provision of K.S.A. 8-262 that a person convicted of being a habitual violator shall be sentenced to not less than 90 days' imprisonment and fined not less than \$1,500 if such person was found guilty of a class A nonperson misdemeanor on a third or subsequent conviction of K.S.A. 8-262. The minimum fine and imprisonment for refusing to submit and complete any test of blood, breath, or urine requested by law enforcement, for violating K.S.A. 40-3104 relating to motor vehicle liability insurance coverage, and for being convicted of vehicular homicide, involuntary manslaughter while driving under the influence of alcohol or drugs, or murder or manslaughter crime resulting from the operation of a motor vehicle remain.

Those who are convicted habitual violators endanger themselves and other motorists while operating motor vehicles on Kansas roadways. Habitual violators, according to K.S.A. 8-235, are those who have within the preceding five years been convicted in Kansas or any other state *three or more times* of vehicular homicide, driving while the privilege to operate a motor vehicle has been canceled, suspended, or revoked, perjury, a felony in which a motor vehicle was used in the perpetration of the crime, failing to stop at the scene of a crash, and several other violations.

The KHP believes that the sentencing currently imposed by K.S.A. 8-262 for those who repeatedly violate the law by continuing to drive after being found guilty of being a habitual violator is justified. The sentencing comes into effect only through a pattern of poor choices to continue to drive and risk the safety of the public made a person who has already been shown to have recurringly broken the law. It is our duty as members of the criminal justice community to hold those who commit crimes accountable for their actions. House Bill 2629 removes a key component of accountability from statute, and as such, we believe its passage would be detrimental to the safety of Kansans.

We sincerely thank members of the Committee for their consideration of our testimony.

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