

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2216

As Recommended by House Committee on
Judiciary

Brief*

HB 2216 would remove, for a first-time offender, the mandatory term of imprisonment for driving with a driver's license that was canceled, suspended, or revoked for failure to appear in response to a traffic citation or failure to pay fines or otherwise comply with a traffic citation. Convictions for the offense would be subject to a mandatory fine of at least \$100. [Note: Current law provides a mandatory fine of at least \$100 and a minimum of five days' imprisonment.]

The bill would also replace all references to "imprisonment" with "confinement" and would make technical amendments to ensure consistency in statutory phrasing.

Background

The bill was introduced by the House Committee on Judiciary at the request of a representative of the City of Topeka.

House Committee on Judiciary

In the House Committee hearing on February 7, 2023, representatives of the City of Topeka; the League of Kansas Municipalities; and a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association, testified as

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

proponents of the bill, stating the mandatory penalty for driving with a suspended license is excessive and places hardships on individuals attempting to break the cycle of poverty, and the narrowly tailored bill retains a judge's discretion to order jail time where justified. Representatives from the City of Overland Park, the City of Wellington, and a private citizen provided written-only proponent testimony. No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas Sentencing Commission indicates enactment of the bill would have no fiscal effect on prison bed space or workload of the Commission, and the Office of Judicial Administration indicates enactment would have a negligible fiscal effect on the Judicial Branch.

Driver's license, suspension, revocation, failure to appear, fines, traffic citation