

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 A.M. on January 28, 2011, in Room 548-S of the Capitol.

All members were present

Committee staff present:

Lauren Douglass, Kansas Legislative Research Department  
Robert Allison-Gallimore, Kansas Legislative Research Department  
Jason Thompson, Office of Revisor of Statutes  
Tamera Lawrence, Office of Revisor of Statutes  
Theresa Kiernan, Committee Assistant

Conferees appearing before the committee:

Sarah Longwell, American Beverage Institute (ABI)  
Tim Madden, Kansas Department of Corrections (KDOC)  
Melissa Wangamann, Kan Assn of Counties, Gen. Counsel, Director Legislative Services  
Sherry Diehl, Executive Director Kansas Real Estate Commission  
Ken Cannon

Others attending:

See attached list.

The Chairman opened the hearings on **SB 7 -- Driving under the influence.**

Sarah Longwell testified in opposition to **SB 7 (Attachment 1)**. She stated that the ABI opposes any legislation requiring ignition interlock devices for all DUI offenders and especially in the case of first-time offenders. She stated similar legislation was proposed in 18 states last year; none were enacted mainly because of the costs. She stated that SB 7 denies judicial discretion.

Senator Owens asked Ms. Longwell to clarify ABI's issue or concern with the ignition interlock device. Ms. Longwell stated that ABI is concerned that mandating the use of the ignition interlock device is the first step off a slippery slope; that the federal government may push to place blood alcohol content (BAC) sensors in all cars as standard equipment and that the sensors would prevent the car from starting if it senses any alcohol, in the person's blood.

Senator Kelly asked, "What is the average BAC of a DUI offender?"

Ms. Longwell stated, "The average was .19 in fatality accidents."

Tim Madden testified as a neutral party to **SB 7 (Attachment 2)**. He stated that the KDOC had three concerns with the bill relating to:

- The supervision of offenders released from jail
- Information regarding the time offenders spend incarcerated relative to tolling the suspended driver's license
- The extension of the post-release supervision obligation due to prison good time or early release

Proposed balloon amendments to address the Department's concerns were included in Mr. Madden's testimony.

Melissa Wangamann testified as a neutral party to **SB 7 (Attachment 3)**. She stated that the KAC has no opposition to the public policy contained in SB 7. KAC is concerned about the cost that will be incurred by counties and county jails.

Sherry Diehl testified as a neutral party to **SB 7 (Attachment 4)**. She raised a concern with the unintended consequences that would result from the wording of Section 1 of the bill:

## CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on January 28, 2011, in Room 548-S of the Capitol.

- The bill would prohibit the Commission from restricting a licensee (who is a first-time DUI offender) to conduct real estate activities under the supervision of the licensee' supervising broker.
- It is not clear whether the bill requires a hearing before the Commission could impose reasonable conditions on a license
- Section 1(b) applies to licensees; it appears reasonable conditions could not be imposed on a DUI offender who is a new applicant for licensure
- If a hearing is mandatory, the Commission does not have the funding to hold all the hearings that would be necessary

Senator Vratil raised concerns with the substance abuse treatment program and the need for more funding to bed space and counseling services under the program.

Keven Pellam, Kansas Department of Social and Rehabilitation Services, stated that there would be 40 slots for male offenders and 24 slots for female offender in the substance abuse treatment program at a cost of more \$7 million.

The Chairman returned to the proponents for testimony.

Ken Cannon testified in favor of **SB 7** ([Attachment 5](#)). He stated that he wanted to bring a personal point of view to the hearings. He told the committee that both of his parents had been killed an accident caused by a driver who was DUI. He urged the committee to ensure that the emotional and financial costs of the extended family of the victims of DUI offenders should be taken into consideration.

Written testimony in support of **SB 7** was submitted by Leann Briggs ([Attachment 6](#)). Written neutral testimony on **SB 7** was submitted by: Ray Dalton, Deputy Secretary of the Kansas Department of Social and Rehabilitation Services ([Attachment 7](#)), Dale Goter, City of Wichita, Kansas ([Attachment 8](#)) and John Peterson ([Attachment 9](#)).

Meeting adjourned at 11:25 A.M. The next meeting is scheduled for January 31, 2011.