

SESSION OF 2011

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE SUBSTITUTE FOR
SENATE BILL NO. 6
As Agreed to May 11, 2011**

Brief*

House Sub. for SB 6 would amend various administrative and criminal statutes related to driving under the influence (DUI). The bill would address professional licensing consequences for DUI, permit saliva testing, creates a Community Corrections Supervision Fund and related funding provisions, amend the commercial DUI statute to make it more consistent with the DUI statute, adjust the implied consent provision as to urine samples, restructure alcohol and drug evaluations and treatment, adjust administrative penalties for DUI, create a DUI administrative hearing fee, increase fines for DUI and commercial DUI, amend postrelease provisions for DUI, add a DUI lookback date for previous convictions, increase the blood or breath testing window for DUI and commercial DUI, overhaul the reporting of DUI and commercial DUI to the KBI central repository, allow expungement of a DUI after 10 years, and make technical changes related to DUI and commercial DUI.

Professional Licensing

The bill would create a statutory provision prohibiting a professional licensing body from suspending, denying, terminating, or failing to renew a professional license solely because the licensee was convicted of, pled guilty or nolo contendere to, or entered into a diversion regarding a first time DUI. The provision would clarify that the licensing body,

* Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

after proper notice and hearing, may take alternative corrective measures regarding such violation, and the provision does not limit the authority of the Division of Vehicles of the Department of Revenue to restrict, revoke, suspend or deny a driver's license or commercial driver's license.

Saliva Testing

The bill would create a statutory provision requiring the Kansas Bureau of Investigation (KBI) to adopt rules and regulations allowing saliva testing for law enforcement purposes and listing approved saliva testing devices. The implied consent statute would be amended to add saliva testing.

Community Corrections Supervision Fund

The bill would create the Community Corrections Supervision Fund to be used to provide grants for community correctional services under KSA 75-52,111 to implement the supervision provisions contained in the bill.

Commercial DUI

The commercial DUI statute, KSA 2010 Supp. 8-2,144, would be amended to ensure consistency with DUI under KSA 2010 Supp. 8-1567, as follows:

- The blood or breath testing window would be increased from 2 hours to 3 hours.
- Second-time offenders on house arrest would be required to serve 120 hours of confinement within the residence, and third-or-subsequent offenders on house arrest would be required to serve 240 hours of confinement within the residence. Such offenders on

house arrest would be required to be electronically monitored.

- Second-time offenders placed in work release would be required to serve 120 hours of confinement, including an initial minimum of 48 consecutive hours of imprisonment. Third-or-subsequent offenders placed in work release would be required to serve 240 hours of confinement, including the same initial minimum imprisonment.
- The minimum and maximum fines for a second offense would be increased by \$250. The minimum fine for first or third offenses would be increased by \$250. An amount of \$250 from each fine would be directed into the Community Corrections Supervision Fund created by the bill.
- All offenders would be required to complete an alcohol and drug evaluation pursuant to the amended provisions of KSA 8-1008 and to follow any recommendation as ordered by the court.
- The sentence for any conviction for commercial DUI when one or more children under 14 years of age are in the vehicle at the time of the offense would be enhanced by one month, which the judge would be allowed to order served on house arrest, work release, or other conditional release.
- Legal use of drugs would not be a defense to commercial DUI of drugs.
- In lieu of payment of a fine under this section, the court would be allowed to order the defendant to perform community service. The defendant would receive credit on the fine of \$5 per hour of community service, and the community service would be required to be performed within one year after imposition of the fine or earlier if so ordered.

- Before filing a complaint alleging commercial DUI, a prosecutor would be required to obtain motor vehicle violations records from the Division of Vehicles and criminal history from the KBI.
- The court would be required to electronically report every conviction or diversion agreement for commercial DUI and obtain criminal history information from the KBI before sentencing.
- Upon a conviction, the Division of Vehicles would be required to suspend, restrict, or suspend and restrict the offender's driving privileges under KSA 8-1014.
- Cities or counties would be allowed to prohibit commercial DUI as long as the minimum penalty was no lower than the statutory minimum, the maximum penalty was no higher than the statutory maximum, and restitution was authorized.
- Any municipal offense that would constitute a felony would be required to be referred to the county or district attorney for prosecution.
- No plea bargaining which permits a person charged with commercial DUI to avoid the mandatory penalties established by the section would be allowed.

References to the commercial DUI statute would be added to a variety of other statutory provisions to ensure consistency with references to DUI under KSA 2010 Supp. 8-1567.

Urine Samples

The bill would amend the implied consent provision for collection of a urine sample to require supervision by a person licensed to practice medicine and surgery, licensed as physician's assistant, or acting under the direction of such

licensed person; a registered nurse or licensed practical nurse; or a law enforcement officer of the same sex as the person being tested.

Restructuring of Alcohol and Drug Evaluations and Treatment

The bill would remove many of the current provisions in KSA 8-1008 regarding evaluation and supervision of DUI offenders under the alcohol and drug safety action program (ADSAP). To replace ADSAP, the bill would require the Department of Social and Rehabilitation Services (SRS) to develop a standardized substance abuse evaluation. Evaluation and treatment would be provided by a “provider” who is licensed by the behavioral sciences regulatory board and is compliant with SRS requirements.

Administrative Penalties

The bill would amend the administrative penalties for test refusal as follows:

- For a second test refusal, driving privileges would be suspended for one year, followed by a two-year ignition interlock restriction. The current penalty is a two-year suspension.
- For a third test refusal, driving privileges would be suspended for one year, followed by a three-year ignition interlock restriction. The current penalty is a three-year suspension.
- For a fourth test refusal, driving privileges would be suspended for one year, followed by a four-year ignition interlock restriction. The current penalty is a ten-year suspension.

- For a fifth test refusal, driving privileges would be suspended for one year, followed by a 10-year ignition interlock restriction. The current penalty is permanent revocation.

The administrative penalties for a test failure or an alcohol or drug-related conviction in Kansas would be amended as follows (there would be no change made to the penalty for a second occurrence):

- Between July 1, 2011, and June 30, 2015, for a first occurrence, driving privileges would be suspended for 30 days for all offenders, followed by a 180-day ignition interlock restriction, or a one-year ignition interlock restriction for offenders with certain previous violations on their record. On and after July 1, 2015, the penalty for a first occurrence would return to the current provision. The current penalty is a 30-day suspension and a 330-day restriction to driving for certain purposes, with an ignition interlock option.
- For a third occurrence, driving privileges would be suspended for one year, followed by a two-year ignition interlock restriction. The current penalty is a one-year suspension and one-year ignition interlock restriction.
- For a fourth occurrence, driving privileges would be suspended for one year, followed by a three-year ignition interlock restriction. The current penalty is a one-year suspension and one-year ignition interlock restriction.
- For a fifth occurrence, driving privileges would be suspended for one year, followed by a 10-year ignition interlock restriction. The current penalty is permanent revocation.

For a first time test failure or alcohol or drug-related conviction, the prior violations that would trigger the one-year

ignition interlock restriction include open container, minor in possession, those violations listed in the habitual violator statute, three or more moving violations in a single year, or any other suspension or revocation of driving privileges.

The administrative penalties for test failure with a blood or breath alcohol concentration of .15 or greater would be amended so that for a fifth occurrence, driving privileges would be suspended for one year, followed by a 10-year ignition interlock restriction. The current penalty is permanent revocation.

A person subject to a 10-year ignition interlock restriction would be permitted to petition the district court for relief from this restriction after five years of the restriction have been served. The court would be required to consider whether the person's driving privileges have been limited by another action of the Division of Vehicles or a court and whether the person has proven installation, maintenance, and use of the interlock device throughout the five-year period.

A person subject to administrative penalties under the current version of this section would be allowed to apply to have the new penalties applied retroactively. There would be a \$100 fee for such application. The first \$100,000 generated by this fee would be credited to the Division of Vehicles Operating Fund, with the remainder credited to the Community Corrections Supervision Fund.

A person whose driving privileges have been suspended for one year would be allowed, after 45 days of such suspension, to apply to the Division of Vehicles for an ignition interlock restriction for the remainder of the suspension period for the purposes of getting to and from work, school, an alcohol treatment program, and the ignition interlock provider for maintenance purposes. A violation of the restrictions would add an additional year's suspension.

The bill would maintain a provision allowing a person under an ignition interlock restriction to operate an employer's

vehicle without an ignition interlock device during normal business activities, as long as the person does not own or control the vehicle or business. The bill would clarify that this provision would not apply to an interlock ignition restriction granted for the remainder of a one-year suspension period.

Administrative penalties for tampering with or requesting another to blow into an ignition interlock device would be amended from the current penalty of a two-year suspension to the following:

- On a first conviction, the ignition interlock restriction would be extended 90 days; and
- On a second or subsequent conviction, the original interlock restriction period would be restarted.

The administrative penalty for operating a vehicle not equipped with an ignition interlock device would be changed from a two-year suspension to a restart of the original interlock restriction period.

Administrative Hearing Fee

The bill would amend the DUI administrative hearing statute to add a \$50 hearing fee to cover administrative costs of the hearing. The fee would be required regardless of whether the hearing was in person or by telephone.

DUI

The bill would amend the DUI statute, KSA 2010 Supp. 8-1567, as follows:

- The minimum and maximum fines for second offenses would be increased by \$250. The minimum fine for first or third offenses would be increased by \$250. An amount of \$250 from each fine would be directed into

the Community Corrections Supervision Fund created by the bill.

- The classification of a third conviction would be changed from a nonperson felony to a class A, nonperson misdemeanor, unless the offender has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration.
- All offenders would be required to complete an alcohol and drug evaluation pursuant to the amended provisions of KSA 8-1008 and to follow any recommendation as ordered by the court.
- Upon expiration of a term of imprisonment for a third, fourth or subsequent DUI conviction, the offender would be placed in the custody of the community correctional services program for a mandatory one-year period of supervision. The court would determine whether the offender would be assigned to community corrections or court services based upon a risk assessment tool. During supervision, the offender would be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Department of Social and Rehabilitation Services-designated care coordination agency, to include assessment and, if appropriate, treatment. The bill would accordingly amend the Community Corrections Act to clarify that DUI offenders may be supervised by community correctional services programs.
- For first and fourth or subsequent convictions for DUI, the court would be allowed to place the offender under house arrest to serve the remainder of the minimum sentence after 48 (for first conviction) or 72 (for fourth or subsequent conviction) hours imprisonment.
- Second-time offenders on house arrest would be required to serve 120 hours of confinement within the residence, and third-or-subsequent offenders on house

arrest would be required to serve 240 hours of confinement within the residence. Such offenders on house arrest would be required to be electronically monitored.

- Second-time offenders placed in work release would be required to serve 120 hours of confinement, including an initial minimum of 48 consecutive hours of imprisonment. Third-or-subsequent offenders placed in work release would be required to serve 240 hours of confinement, including the same initial minimum imprisonment.
- Only DUI convictions occurring on or after July 1, 2001, would be counted in determining the current conviction classification.
- Legal use of drugs would not be a defense to DUI of drugs.
- The blood or breath testing window for DUI would be increased from 2 hours to 3 hours.
- Existing criminal interlock, impound, and immobilization provisions for second or subsequent convictions would be removed in light of the revised administrative penalties.

KBI Central Repository

The bill would require the KBI director to adopt rules and regulations on or before July 1, 2012, requiring district courts to report to the central repository the filing of all cases alleging a DUI or commercial DUI. The director would be required to adopt rules and regulations on or before July 1, 2013, requiring such reporting to be electronic.

The bill would make the filing of a charge a reportable event for purposes of the central repository.

The bill would require municipal court judges to ensure that the municipal court reports the filing and disposition of any DUI case to the KBI central repository. After July 1, 2013, such reporting would be required to be made electronically.

Expungement

The bill would allow a petition for expungement of a DUI (under KSA 8-1567 or municipal equivalent) after 10 years. Expungement for such offenses currently is not allowed.

Technical Changes

Throughout the bill, various references and other language would be revised to ensure statutory consistency and reflect current law.

Conference Committee Action

The Conference Committee agreed to adopt House Sub. for SB 6 with modifications and the inclusion of additional provisions from Sub. for SB 7. The modifications and additions included:

- Creating the Community Corrections Supervision Fund, increasing the proposed ignition interlock retroactive application fee and criminal fines, and directing the proceeds from these increases to the Fund.
- Adding the professional license, saliva testing, administrative hearings, urine collection, and expungement provisions from Sub. for SB 7.
- Adding the commercial DUI provisions from Sub. for SB 7 to ensure consistency with the DUI statute.
- Changing the testing window from 2 hours to 3 hours.

- Adding, with modifications, provisions from Sub. for SB 7 restructuring alcohol and drug evaluations under KSA 8-1008.
- Adding language suggested by KDOT regarding house arrest and work release to ensure compliance with federal requirements.
- Modifying the administrative penalty for a first test failure or alcohol or drug-related conviction to an 180-day interlock restriction, with a 1-year restriction if the offender has certain other violations on his or her record.
- Reducing the interlock restriction for a fifth or subsequent test refusal or failure or alcohol or drug-related conviction from a permanent restriction to a 10-year restriction.
- Adding a DUI lookback provision dated July 1, 2001, drawn from Sub. for SB 7.
- Including mandatory 1-year postrelease supervision for third or fourth-time offenders, with participation in a multidisciplinary model of services.
- Adding technical or clarifying amendments from Sub. for SB 7 to ensure consistency.

Background

As introduced, SB 6 would have amended current law regarding the “search incident to arrest” exception to the warrant requirement. The Senate Committee on Judiciary amended SB 6 and the Senate passed SB 6 as amended.

The House Committee on Corrections and Juvenile Justice included a provision regarding “search incident to arrest” in a substitute bill for SB 63. The House Committee then modified and incorporated language from HB 2277 into a substitute bill for SB 6.

As introduced, HB 2277 would have allowed for supervision of a third-time DUI offender by community correctional services or court services. It would have allowed for the same supervision for fourth or subsequent offenders and would have required participation in an inpatient or outpatient program for alcohol and drug abuse.

In the House Committee hearing on HB 2277, a representative of the Kansas Department of Corrections testified in support of the bill. Mothers Against Drunk Driving and the Kansas Ignition Interlock Association provided written testimony supporting the bill. A representative of the Kansas Community Corrections Association testified in opposition to the bill.

The House Committee adopted language from a proposed substitute for HB 2277 and recommended a substitute bill for SB 6 incorporating this language. The adopted language differed from HB 2277, as introduced, by reworking the community corrections supervision and treatment requirements, eliminating the court services supervision option, and adding the provisions regarding administrative penalties and the KBI central repository.

The House Committee of the Whole amended House Sub. for SB 6 by adding house arrest provisions to certain DUI offenses and adding a requirement for an ignition interlock restriction for a first test refusal or alcohol or drug-related conviction.

The fiscal note on SB 6, as introduced, stated the League of Kansas Municipalities indicated SB 6 would have no effect on cities. There would be no fiscal effect to the state budget.

There is no fiscal note on the substitute bill. The fiscal note on HB 2277, as introduced, stated that the Office of Judicial Administration indicated the bill would increase caseloads for court service officers (CSO's). Using FY 2010 data, the increases would equal approximately 300 low-risk

offenders and 482 medium-risk offenders. Assuming CSO's would supervise all low-risk offenders, an additional four CSO's would be needed, requiring \$201,016 from the State General Fund. Assuming CSO's would supervise both low-risk and medium-risk offenders, an additional 12 CSO's would be needed, costing \$603,049.

The Kansas Association of Counties indicated that counties would incur additional costs from revoked offenders who are returned to jail for longer stays. The precise amount of additional jail costs is difficult to determine because it is not known how many offenders would have their supervision rescinded. The Department of Corrections did not respond to a request for information by the time the fiscal note was prepared. Any fiscal effect associated with HB 2277 is not reflected in The FY 2012 Governor's Budget Report.

Background of Sub. for SB 7 – DUI

In response to public concerns regarding repeat DUI offenders, the 2008 Legislature created the Substance Abuse Policy Board (SAPB) to consult and advise the Kansas Criminal Justice Coordinating Council concerning issues and policies pertaining to the treatment, sentencing, rehabilitation and supervision of substance abuse offenders. In a January 2009 report, the SAPB recommended the Legislature create a commission to conduct a comprehensive review of DUI statutes, review effective means of changing DUI offender behavior, and develop a legislative proposal to assure highway safety by changing DUI offender behavior.

The 2009 Legislature accordingly created the Kansas DUI Commission through KSA 21-4802 (2009 Senate Sub. for HB 2096). The Commission was charged with reviewing DUI statutes in Kansas and other states, DUI-related proposals introduced in the 2009 Legislative Session, other DUI-related subjects as referred to the Commission, effective strategies in changing the behavior of DUI offenders, and other information related to DUI to determine if results or

conclusions have been found to address the issues. The Commission also was directed to develop a balanced and comprehensive legislative proposal that would centralize recordkeeping to ensure accountability, assure highway safety by changing behavior by DUI offenders as early as possible, and provide significant restrictions on personal liberty at some level of frequency and quantity of offenses. The Commission was directed to submit its report and recommendations to the Legislature on or before the first day of the 2011 Session.

The Commission split into four subcommittees: Substance Abuse Evaluation and Treatment, Criminal Justice, Law Enforcement and Recordkeeping, and Legislative. The Commission and its subcommittees met 19 times in 2009 and 2010 to work through the issues assigned to the Commission and to craft proposed legislation incorporating its recommendations. The resulting legislation was introduced by the Senate Committee on Judiciary as SB 7. Additionally, the Commission included in its report several recommendations that either did not require legislative action or else were not included in the proposed legislation.

The Senate Committee on Judiciary held a hearing on SB 7 over four days. The Chairperson of the Committee, Senator Tim Owens, served as the Chairperson of the DUI Commission, and presented the DUI Commission report to the Committee while explaining the Commission's background, process, and findings.

Proponents of the bill who testified before the Senate Committee included representatives of the Kansas Association of Chiefs of Police, Kansas Association of Addiction Professionals, and Mothers Against Drunk Driving; the Lenexa city prosecutor; and a private citizen. Written testimony supporting the bill was submitted by the Kansas Department of Transportation, the Kansas Bureau of Investigation, a criminal defense attorney, the Leavenworth County Attorney, the Pacific Institute for Research and Evaluation, the Kansas Highway Patrol, the Kansas Ignition

Interlock Association, SRS Deputy Secretary Ray Dalton, and a private citizen.

Opponents of the bill who testified before the Senate Committee included a criminal defense attorney who served on the DUI Commission and representatives of the Kansas Association of Criminal Defense Lawyers, National Association of Social Workers (Kansas Chapter), Kansas Licensed Beverage Association, and American Beverage Institute. Written testimony opposing the bill was submitted by Sedgwick County Commissioner Karl Peterjohn, speaking for himself.

The following parties provided neutral testimony: representatives of Secretary of Corrections Ray Roberts, Kansas Association of Counties, and Kansas Real Estate Commission. Written neutral testimony was submitted by the City of Wichita and a private citizen.

In an effort to reduce the fiscal impact of SB 7, Senator Owens introduced a substitute bill for SB 7 during final action in the Senate Committee. The substitute bill: eliminated provisions contained in the original bill that would have created new crimes of “refusing to submit to a test to determine the presence of alcohol or drugs” and “aggravated battery while DUI”; adjusted the severity level of a third DUI with prior conviction within ten years; left ignition interlock duties with the Division of Vehicles rather than transferring them to the Kansas Department of Health and Environment; and added an alcohol gallonage tax.

The Senate Committee modified the substitute bill by: changing the approved assessment and treatment providers from providers authorized by the SRS to providers licensed by the Behavioral Sciences Regulatory Board to diagnose and treat mental disorders; changing the lookback period for prior DUI convictions or diversions from 1996 to 2001; making a test refusal by a person over 18 years of age a factor to be considered in determining the number of prior convictions; reducing the grid block classifications for the special

sentencing rules by one letter; eliminating lookback for any conviction or adjudication for an act or crime committed when a person was under the age of 18; eliminating ignition interlock requirements for a first-time offender; and changing the gallonage tax to a liquor enforcement tax. The Senate Committee recommended Sub. for SB 7 be passed.

The fiscal note on SB 7, as introduced, indicated the following fiscal impact related to provisions that were ultimately included in House Sub. for SB 6 (any fiscal effect associated with SB 7 is not reflected in *The FY 2012 Governor's Budget Report*).

Note: Costs in the fiscal note that were completely unrelated to provisions included in Sub. for SB 6 have been removed. Further, the remaining fiscal information from SB 7 presented here does not reflect the efforts made in Sub. for SB 7 and House Sub. for SB 6 to specifically address and reduce many of the costs associated with the original provisions. These efforts may have substantially reduced the estimated fiscal impact of the remaining provisions. Some of these efforts are specifically noted below.

Department of Corrections

The Department of Corrections estimated the bill would require adding 46.00 parole officer FTE positions with salary and wages costs of \$2,192,000 and \$270,000 for 15 vehicles. In addition, \$182,597 would be required for 4.00 FTE positions for processing journal entries, parole forms, and DUI sentencing computations. Programming and ongoing operating costs would be \$411,865. Total: \$3,056,463.

[Note: the reduction of postrelease requirements from the original bill may have reduced this estimate.]

Office of Judicial Administration

The Office of Judicial Administration (OJA) projects at least 4,832 new cases to district courts, representing 3,337

cases from an estimate assuming only cities of the first class would be able to adhere to the bill's requirements for prosecuting DUI cases, 818 cases resulting from the provision requiring felony DUI cases to be filed in district courts, and 677 cases from the new crimes created in the bill. OJA also projects approximately 5,000 expungement petitions. The increased caseload would require the following expenditures: \$517,105 for 14.90 trial clerk FTE positions (14.90 positions X \$34,705 cost per position); \$994,458 for 6.00 judge FTE positions (6.00 positions X \$165,743 cost per position); \$342,606 for 6.00 court reporter FTE positions (6.00 positions X \$57,101 per position); \$244,650 for 6.00 administrative assistant FTE positions (6.00 positions X 40,775 per position); and \$1,784,053 for 35.50 court services officer FTE positions (35.50 X \$50,255 per position). Total: \$3,882,872.

[Note: the elimination of new crimes proposed in the original bill and elimination of many of the requirements for prosecuting DUI cases proposed in the original bill may have substantially reduced this estimate.]

Kansas Bureau of Investigation

The Kansas Bureau of Investigation (KBI) estimated it would need State General Fund funding in FY 2012 to upgrade the central repository and data exchanges in the following amounts: \$175,000 to develop detailed system requirements and designs; \$300,000 to develop a DUI portal; \$325,000 to build the required interfaces; \$650,000 to expand the central repository; \$375,000 to develop notification and management functions; \$375,000 to link to document imaging systems; \$450,000 for project management, testing, documentation, and training; and \$225,000 for hardware and software. Total: \$2,875,000.

Social and Rehabilitation Services

The Social and Rehabilitation Services (SRS) estimated 225 individuals would require treatment under the bill, costing

\$176,045 from the State General Fund in FY 2012. DUI specialty provider licensing would require \$190,946 for salary, wages, administration, IT, travel, and training expenses. Total: \$366,991.

Department of Revenue

The Department of Revenue estimated the new application and hearing fees would generate \$713,000 in revenue for the Vehicle Operating Fund. There would be costs of \$20,000 to create and provide new forms and \$10,800 to modify the driver's license system. Total: \$692,200 gain to the Vehicle Operating Fund.

Cities and Counties

Some municipalities could see court cost reductions due to decreased DUI caseloads as more cases are filed in district court under the bill. However, revenue from filing fees and fines also would be eliminated. The League of Kansas Municipalities is unable to determine a precise fiscal effect for cities.

Effect of Sub. for SB 7

There was no fiscal note available for Sub. for SB 7. A revised bed impact statement from the Kansas Sentencing Commission indicates Sub. for SB 7 would require an increase of 73 to 80 prison beds in FY 2012 and 968 to 1227 prison beds by FY 2021.

Sub. for SB 7 was designed to reduce the fiscal impact from SB 7, as introduced. The substitute bill was intended to reduce the projected costs to the KDOC and OJA by eliminating the new crimes of test refusal and aggravated battery while DUI from the bill language and making some of the sentencing provisions less severe. The substitute bill was intended to eliminate the projected cost to KDHE by leaving ignition interlock responsibility in the Department of Revenue.

Finally, the 1 percent increase in the liquor enforcement tax proposed in the substitute bill was projected to generate a three-year total of \$19.12 million (\$6.25 million in FY 2012, \$6.38 million in FY 2013, \$6.49 million in FY 2014). The revenues of this tax would first have been directed to cover the cost to the KBI of upgrading the central repository, with the remainder of the revenues deposited in the state general fund.

Effect of House Sub. for SB 6 as agreed to by Conference Committee

There is no fiscal note available for House Sub. for SB 6, as agreed to by the Conference Committee. Provisions from Sub. for SB 7 that were not included, which may affect the fiscal impact, include:

- Early release provisions;
- Ignition interlock regulation;
- Removal of municipal court felony jurisdiction;
- Extended postrelease supervision;
- Liquor enforcement tax; and
- Prohibition on departure sentences.

Additionally, the increases in the application fee for retroactive ignition interlock restrictions and the fine amount for DUI offenses will affect the fiscal impact of the bill.

Driving under the influence (DUI); commercial DUI; professional licensing; community corrections; alcohol and drug evaluation and treatment; Kansas Department of Revenue; administrative hearings and penalties; Kansas Bureau of Investigation (KBI); KBI central repository; expungement; ignition interlock; house arrest; work release; postrelease supervision.