

To: House Corrections and Juvenile Justice Committee

From: Doug Taylor, Legal Counsel

Date: February 5, 2018

RE: Testimony in Support of HB 2534

I would like to thank Chairman Jennings and the members of the Committee for allowing the League of Kansas Municipalities the opportunity to provide testimony in support of HB 2534.

This bill would amend K.S.A. 8-1565 by adding a new definition of “exhibition of speed or acceleration,” thereby clarifying a practice which is already prohibited in that statute. As written, an “exhibition of speed or acceleration” would be defined to include acts that “(1) cause or create unnecessary rapid acceleration, unnecessary tire squeal, skid, smoke or slide upon acceleration or stopping, including the casting of tread, gravel, dirt or other road surface materials from the tires; (2) simulate a temporary race; or (3) cause the vehicle to unnecessarily turn abruptly, sway or lose traction with the road surface.”

This legislation is in response to a recent decision by the Kansas Supreme Court in *State v. Sharp*, 305 Kan. 1076 (2017). In *Sharp*, the Court reversed Sharp’s convictions, holding that the officer involved did not have the required reasonable suspicion to make a traffic stop, because K.S.A. 8-1565 was unconstitutionally vague with respect to what constituted an “exhibition of speed or acceleration.”

This bill clarifies how an “exhibition of speed or acceleration” is to be identified. The League believes this change will provide law enforcement officers with necessary guidance and support to enforce K.S.A. 8-1565.

We respectfully request that this Committee recommend HB 2534 favorably for passage to the full House for its consideration.