



Kansas Sheriffs Association

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Sheriff Sandy Horton, Executive Director

March 15, 2012

REF: DUI Bill SB104 Jail Space Questions

Chair Colloton and Committee Members,

The Kansas sheriffs recognize the proposed criminalization of test refusals will generate more persons in the county jails. However, any increase will clearly be those persons who are now escaping conviction because of refusing the tests. These are the worst of the violators because most of the time they are not first time offenders. They are repeat offenders who are in denial. That denial coupled with what has been referred to as the "get out of jail free card" of test refusal only enables these offenders who have substance abuse issues. The majority of them need addiction treatment. They are not going to volunteer for it. The only way that treatment will come is when the court orders it. And the court cannot order it without a conviction. Creating an offense for refusing the test is a method to make this happen. The result is not only safer Kansas highways but also an opportunity for these offenders to be more productive citizens. In spite of the difficulties and challenges this will impose it simply cannot be rejected because no one wants to accept the additional burden it creates. It is clearly a public safety issue we will just have to deal with. We hope the carefully crafted DUI proposals will eventually cause a decline in these crimes and ultimately result in fewer prisoners, not more.

It is very important to us for you to include the appropriate work release and house arrest provisions in any lengthy sentence provisions you choose to impose for refusing the test, similar to the DUI provisions.

In regards to the correction for the time served in work release and house arrest, we understand the reason for these changes. While it will increase the bed space use in our local work release centers it is necessary to address these 3rd and subsequent offenders under the sentencing decisions the legislature made last year. While this may cause some difficulties in a few of our work release centers the sheriffs are committed to make it work. The availability of house arrest as an option is an important tool we can use to address overcrowding in the work release centers if it becomes necessary.

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House Corrections & Juvenile Justice
Committee
2012 Session
Date 3-15-12
Attachment # 27-1