

TESTIMONY BEFORE THE KANSAS CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

IN SUPPORT OF HB 2547

Presented on Friday, February 11, 2020

Good morning. Mr. Chairman, Members of the Committee, thank you for the opportunity to have a hearing and to testify before the committee in support of HB 2547. My name is Sylvia Penner and I am a member of the Kansas Criminal Justice Reform Commission ("KCJRC"). As a member of the KCJRC, I serve on the Re-Entry Subcommittee that is chaired by Representative Gail Finney of the 84th District.

I submit this testimony in support of HB 2547 concerning a Kansas Citizen's driving privileges. Specifically, HB 2547 would amend existing statute K.S.A. 8-262 to remove the obligation of a Kansas Citizen to pay a non-refundable application fee of \$25 to request restricted driving privileges, as well as to remove the obligation to pay a \$100 reinstatement fee for each *charge* on which a person failed to comply with a citation. HB 2547 would allow a person to make application for restricted driving privileges without payment of the \$25 fee, and would impose a requirement to pay a \$100 reinstatement fee for each *case*, rather than for each *charge* of each case.

The value of having a driver's license cannot be understated. It is our primary form of identification when making application for jobs and housing and when voting; it is what allows us the opportunity for personal control and autonomy when traveling; and it is what affords so many Kansans the opportunity to travel to work, school, and all other places necessary to maintain daily life. Because having a driver's license is so important to every Kansan, it should be our mission to find ways to make having a license more accessible and more affordable. It is not a privilege that should be available only to those of greater financial means.

My day job is working as an attorney. My practice is based in Wichita, but I practice in all four-corners of the state. I have seen many clients that owe hundreds if not thousands in reinstatement fees. I work closely with them to form budgets and find ways that they can pay down the money that they owe. It is extremely demoralizing for individuals to work tirelessly to pay off fines and court costs, only to then be told that they also have to pay hundreds or thousands more in reinstatement fees before they can have their driving privileges reinstated. Many of the people I write about are middle and low income individuals. Before the process of paying all of the reinstatement fees is over, nearly half have lost employment, some have lost housing, and all have lost some level of pride and self-respect.

HB 2547 is a wonderful start to helping the people I describe. Instead of paying \$100 for each charge of each citation, the individual would have to pay only \$100 for the entire citation. Handling it in that way makes good sense. As a practical matter, one's license is suspended for failing to comply with a citation and not because of a failure to comply with a specific charge on a citation. So, then why impose the reinstatement fee for each charge? Would it not be better for the individual and much more consistent with policy to have the fee assessed per case? I respectfully submit that adopting an approach of one fee for one case makes much more sense and would be better proportioned to the wrong that occurred.

I recognize the concerns of those who question the loss of revenue. However, research done by the Re-Entry Committee, as well as my experience in helping clients, informs me that many who are faced with exorbitant fees will simply not pay the money. Interestingly, though, when the amount owed is less, more people are inclined to pay. Stated differently, if the fee is not perceived as insurmountable, the individual will put forth effort to make payment. As such, payments received by individuals will be in large part new revenue.

In closing, I hope that all of you will support HB 2547. It will help thousands of fellow Kansans and their families. Thank you for your time.

Respectfully submitted,

/s/Sylvia Penner

Sylvia Penner