

February 11, 2020

HB 2547

Jean Phillips

Proponent

Dear Chairman Jennings and Members of the Committee:

As a member of the Reentry Subcommittee of the Kansas Criminal Justice Reform Commission, I am cognizant of the impact new legislation can have on those reentering society after incarceration. According to data from the Kansas Department of Corrections, over 6,000 people were released from custody in both 2018 and 2019.¹ Fifty percent of those released face issues surrounding their driver's licenses, as well as financial insecurity and challenges finding employment and housing. To increase the chances of successful reintegration into society, as well as assist those who are not incarcerated but nonetheless facing financial difficulty, the Commission proposed changes to K.S.A. 8-262 and 8-2110.

Beginning with the belief that only those who are a danger on the roads should have their license suspended, it is startling that the Kansas Department of Revenue reports nearly 140,000 Kansans currently have a suspended driver's license simply because they could not afford to pay a traffic ticket. To get a license reinstated requires that the individual pay not just the fine, but pay court costs and reinstatement fees for each individual traffic violation. These fines and fees add up to an amount out of reach for those who could not even pay the initial ticket. To compound the problem, once a license is suspended individuals no longer have a reliable means of transportation to get to work, and the spiral of debt quickly takes over.

Passage of House Bill No. 2547 would provide relief to those Kansans who need it most. First, K.S.A. 8-2110 permits individuals to obtain a restricted license to allow a person with a suspended license to drive to and from work, medical appointments, or court ordered supervision. Currently, a person must pay a \$25, non-refundable fee without knowing if they even qualify for a restricted license. The amendment merely states that the fee is not assessed unless the individual qualifies for a restricted license. To the extent that individuals do not pay fines due to a limited income, it is only appropriate that such persons not be charged a non-refundable application fee if they are not entitled to a restricted license.

While a \$25 application fee does not sound like a burdensome amount of money on its face, it is enough to prevent people who are unable to pay it from applying for restricted driving privileges. Without a restricted license, many Kansans feel they have no choice but to drive on a suspended license to get to work or the doctor. If a person is ticketed for driving without a valid license, the

¹ <https://www.doc.ks.gov/publications/population/EOM> (page 8)

fees and punishment increases dramatically, saddling low income Kansans with ever increasing debt they cannot pay.

Second, in the event that person does receive a ticket for driving on a suspended license, House Bill 2547 reduces the period of suspension or revocation from 90 days to 30 days to enable Kansans to quickly get their life back on track. While driving is a privilege, not a right, transportation is essential to successful participation in our society. Access to healthcare, employment, childcare, the grocery store —just the ability to meet one’s basic needs — are all compromised without a valid driver’s license. These problems are exacerbated when public transportation is not available, or reliable. Being forced to rely on other modes of transportation for 90 days is unnecessarily punitive and burdensome when the initial suspension was the result of an unpaid ticket.

Finally, House Bill 2547 eases the costs of getting a license reinstated by assessing the \$100 reinstatement fee on a per case, rather than a per charge, basis. For example, a person can be charged with two traffic violations during one traffic stop, such as failing to use a blinker and failing to come to a complete stop. If they are unable to pay the fines and end up with a suspended license, they currently must not only pay the traffic fines and court costs, but a \$100 reinstatement fee and \$22 surcharge for *each traffic offense* to get their license back. In this example the reinstatement fees alone are \$244 -- \$122 per traffic offense. The proposed amendment would change the reinstatement fee to one fee per ticket or case, or \$122, even if there is more than one traffic offense listed on the ticket.

It is acknowledged that the current fee structure helps to fund legislative programs and court employees, and that a reduction in fees will impact those budgets. But the disproportionate impact of the current fee structure and harsh punishments on low income Kansans demands a remedy. House Bill 2547 preserves the integrity of the system while giving relief to those among us who need it most.

Respectfully,



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