

SESSION OF 2009

**SUPPLEMENTAL NOTE ON HOUSE
SUBSTITUTE FOR SENATE BILL NO. 95**

As Recommended by House Committee on
Judiciary

Brief*

House Sub. for SB 95 would amend current law regarding driving under the influence as follows:

- Refusal to submit to testing could be used against the person in court.
- Conviction of a refusal to submit to testing would result in a fine of \$250 to \$500.
- Driving privileges for a test refusal would result in a suspension of driving privileges from one year under current law to 30 days for the first occurrence; on a second or subsequent occurrence, suspension would be for one year down from two years under current law; on a third, fourth, fifth, and subsequent occurrence, suspension would be for one year.
- For test refusals, an ignition interlock device would be required:
 - For two years at the end of suspension for a first occurrence;
 - For three years after suspension for a second occurrence;
 - For four years after suspension for a third occurrence;
 - For four years after suspension for a fourth occurrence; and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Permanently at the end of suspension for a fifth or subsequent occurrence.
- For test failures, the penalty would be:
 - On the first occurrence, suspension of driving privileges for 45 days and then an ignition interlock would be required for one year;
 - On a second occurrence, suspension of driving privileges for one year and then an ignition interlock device would be required for two years;
 - On a third occurrence, suspension of driving privileges for one year and then an ignition interlock device would be required for three years;
 - On a fourth occurrence, suspension of driving privileges for one year and then an ignition interlock device would be required for four years; and
 - On a fifth or subsequent occurrence, suspension of driving privileges for one year and then an ignition interlock device would be required on a permanent basis.
- Test results that show a breath alcohol concentration of .15 or greater would result in the following:
 - On a first occurrence, suspension of driving privileges for 45 days and then an ignition interlock device would be required for two years;
 - On a second occurrence, suspension of driving privileges for one year and then an ignition interlock device would be required for three years;
 - On a third occurrence, suspension of driving privileges for one year and then an ignition interlock device would be required for four years;

- On a fourth occurrence, suspension of driving privileges for one year and then an ignition interlock would be required for five years; and
- On a fifth or subsequent occurrence, suspension of driving privileges for one year and then an ignition interlock device would be required permanently.

Background

The contents of SB 95, dealing with contraband in a correctional facility or care and treatment center, were inserted into SB 237.

The House inserted the contents of HB 2315, dealing with driving privileges resulting from driving under the influence (DUI), into House Sub. for SB 95.