

# TESTIMONY IN SUPPORT OF HB2193 AS AMENDED

by

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**It is NOT a CRIME to be POOR.** Yet **over 140,000 Kansans** of **ALL races** have had their driver's license suspended because they did not have enough money to pay their original traffic fine and court costs within the 30 days required by State statute.

As a result, the Department of Revenue suspends their driver's license as a way for Kansas municipal and district courts to attempt to force people to pay a debt. But, then the person who owes the expensive fine is basically under "**HOUSE ARREST**" with no way to legally drive to work to earn enough money to pay the fine or buy groceries, take their kids to and from school or any other place they need to go. Consequently, thousands of Kansans have lost their jobs, ended up on welfare, become homeless or sent to jail.

Thankfully, the added fines of \$1,500 plus imprisonment of 90 days if a person is found driving for the third time on a suspended license under KSA8-262 have been ruled to be **UNCONSTITUTIONAL**. Here is a [direct quote](#) about the ruling issued on 2/20/2019.

*"The U.S. Supreme Court ruled unanimously Wednesday that the Constitution's ban on excessive fines applies to state and local governments, thus limiting their ability to use fines to raise revenue." "Protection against excessive fines has been a constant shield throughout Anglo-American history for good reason: Such fines undermine other liberties."*

Therefore, **when you work and pass HB2193 out of Committee, please include the attached recommended amendments drafted with input from Kansas judges, attorneys plus state and national organizations. These amendments are also part of the companion SB100 bill in the Senate Transportation Committee which will:**

- 1) Allow a driver to agree to a payment plan and/or community service prior to coming to Court. This saves Court resources and having to issue warrants for failure to appear.
- 2) Eliminates all reinstatement, collection and application fees so drivers can actually afford to pay their **original** fine(s) and court costs.
- 3) Allows the person to legally drive while they are doing their Community Service and/or earning money to make their installment payments so they can pay their **original** traffic fine and court costs. Thousands of cases will be cleared and millions of dollars received.
- 4) Allows Kansas Courts to withdraw arrest warrants and remove additional fines, fees, or imprisonment plus the 90 day delay before a person can have their license reinstated.

Passing HB2193 with these amendments will comply with the 2019 US Supreme Court ruling in the Timbs case. It will also be a humane way to make sure that over 140,000 of our fellow Kansans can once again drive legally. Plus our law enforcement officers will not be faced with having to take people to jail and impound their car just because they did not have enough money to pay their original traffic fine and court costs on time.

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