

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2216

As Amended by Senate Committee on Judiciary

Brief*

HB 2216, as amended, would remove, for a first-time offender, the mandatory term of imprisonment for driving with a driver's license that was canceled, suspended, or revoked for failure to appear in response to a traffic citation or failure to pay fines or otherwise comply with a traffic citation. Convictions for the offense would be subject to a mandatory fine of at least \$100. [Note: Current law provides a mandatory fine of at least \$100 and a minimum of five days' imprisonment.]

The bill would also replace all references to "imprisonment" with "confinement" and would make technical amendments to ensure consistency in statutory phrasing.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the House Committee on Judiciary at the request of a representative of the City of Topeka.

House Committee on Judiciary

In the House Committee hearing on February 7, 2023, representatives of the City of Topeka; the League of Kansas

*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>

Municipalities; and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association testified as **proponents** of the bill, stating the mandatory penalty for driving with a suspended license is excessive and places hardships on individuals attempting to break the cycle of poverty. The proponents also stated the narrowly tailored bill retains a judge's discretion to order jail time where justified. Representatives from the cities of Overland Park and Wellington and a private citizen provided written-only proponent testimony. No other testimony was provided.

Senate Committee on Judiciary

In the Senate Committee hearing on March 21, 2023, **proponent** testimony was provided by the Ellis County Attorney; representatives of the City of Topeka and the League of Kansas Municipalities; a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; and a private citizen. The proponents provided substantially similar testimony as in the House Committee hearing.

Written-only proponent testimony was provided by representatives of the cities of Overland Park and Topeka.

No other testimony was provided.

The Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Sentencing Commission indicates enactment of the bill would have no fiscal effect on prison bed space or workload of the Commission, and the Office of Judicial Administration

indicates enactment would have a negligible fiscal effect on the Judicial Branch.

Driver's license; suspension; revocation; failure to appear; fines; traffic citation