



**SUPPORT FOR HB 2192** – Authorizing court services officers and community corrections officers to provide a certification of identification to offenders.

**Testimony of Kendall Seal, Director of Advocacy, American Civil Liberties Union of Kansas**

**HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE –  
February 8, 2021 at 1:30 p.m.**

Chairman Jennings and Members of this Committee,

Thank you for the opportunity to present testimony today. My name is Kendall Seal, and I am the Director of Advocacy at the ACLU of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the constitutional liberties of all Kansans. We support HB 2192 as a positive step toward giving Kansans on probation the tools and resources necessary for success.

First, this bill represents an easy fix to removing an unnecessary obstacle. Recent statistics show our probation system is comprised of nearly 22,000 people on misdemeanor and felony probation charges.<sup>1</sup> Simply lacking the requisite documents to get a valid driver's license should not be a roadblock to successfully completing probation in Kansas.

Second, this bill appropriately tackles the most common technical violation of probation: failure to report.<sup>2</sup> Granted, people miss check-ins for a variety of reasons, but lacking documents to get a driver's license should not be one. Both probation officers and people on probation agree a lack of transportation remains a barrier to success. It's no secret Kansas has limited public transportation options, especially in rural areas.

People on probation need a driver's license to get to court mandated treatment programs, community service, and school. They need to maintain their jobs and be eligible for good paying jobs that require a driver's license. If these Kansans fail to meet these obligations, they can have probation revoked and be sent to prison or jail for 2-3 day sanctions. This bill, along with other policy and legislative improvements, will prevent people from going to jail or prison for crimeless, technical violations.

Third, this bill could be improved by removing the driver's license fee for people on probation. Although the certification provided by court services or community corrections is free of charge, this Committee should not underestimate the burden even relatively small dollar amounts can place on residents of this state trying to reenter and remain in the workforce. This bill could easily be amended to provide for the waiving of the \$8 replacement fee for a lost or destroyed license for people on probation in Kansas.

Finally, this bill does not solve all the problems associated with people in the criminal justice system who lack access to valid driver's licenses in Kansas,<sup>3</sup> but it is an important step in the right direction. Every step towards smart, criminal justice reform is a step towards a criminal justice system that protects the civil rights and civil liberties of all Kansans. Ensuring that individuals on probation are able to obtain a driver's license through a

<sup>1</sup> Report of the Kansas Criminal Justice Reform Commission to the 2020 Kansas Legislature, page 42, <http://www.kslegresearch.org/KLRD-web/Committees/2019InterimDocs/2019-KS-Criminal-Justice-Reform-Commission-report.pdf?fbclid=IwAR1YXCRCFCcBKxZHfCN50BiqA3NECvwkEtzMHhWVFE8Y-8xu9eh4XdjXwLo>

<sup>2</sup> Data provided to the ACLU of Kansas by the Kansas Sentencing Commission shows that the most common technical violation reported in the Probation Violation Journal Entry Database from FY 2014 to FY 2018 was "failure to report." See also Kansas Sentencing Commission presentation to January 19, 2019 to House Corrections and Juvenile Justice Committee.

<sup>3</sup> For example, some people on probation who would otherwise be considered eligible to drive, have suspended or revoked licenses simply because they do not have the financial means to pay fines and fees to have their license reinstated. Solutions to ending the suspension of drivers licenses for failure to pay fines and fees should be implemented in conjunction with this bill.

collaboration between the community corrections, court services, and the DMV is an inexpensive method to help reduce recidivism and remove barriers to successful re-entry and rehabilitation. The ACLU of Kansas urges this Committee to pass HB 2192. Thank you.