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Signed into Law: No Mandatory Jail Time for Driving on a Suspended or Revoked Driver's License



Gov. Laura Kelly on Tuesday, April 18, signed a [bill](#) removing mandatory jail time for driving with a license suspended or revoked for failing to appear in court on a traffic ticket or failing to pay a traffic fine.

The bill, which passed [122-1](#) in the House and [34-6](#) in the Senate, was introduced as part of an effort to give judges discretion from imposing a mandatory jail sentence that would cause difficulties for less affluent individuals unable to pay their fines.

“This bill will make an immediate impact for individuals trying to get out of the cycle of poverty by allowing our municipal court judges and prosecutors to work with individuals rather than build on their debt by sending them to jail,” said Topeka City Attorney Amanda Stanley.

Supporters of the bill said the mandatory five-day jail sentence imposed hardships on individuals trying to get out of poverty. The new law gives judges the ability to waive the jail sentence.

They said that five days out of work for someone to serve a jail sentence would not only hinder their ability to pay court fees and fines but would set them back even more financially.

“Clearly, increasing a defendant’s financial burden creates concerns with their ability to keep insurance, pay fines, costs and reimbursement and continue to survive,” Wellington City Attorney Shawn DeJarnett told lawmakers in written testimony.

“Giving the court discretion at making a defendant serve imprisonment allows for a case-by-case analysis of which defendants should be serving a jail sentence, as well as the court’s management of its resources, such as jail space and budget for jail fees,” he said.

DeJarnett told lawmakers that the mandatory jail sentence caused problems for cities when the defendants request court-appointed representation as well as the cost of housing inmates.

The American Civil Liberties of Union of Kansas was supportive of the bill although it wants more done to address drivers who have lost their driving privileges.

“We see this as a step in the right direction in but we’d like the legislature to go further. In a state where public transportation is not available to most people, driving is the only option,” said ACLU spokesperson Esmie Tseng.

“The drivers license suspension system is a particularly absurd, exploitative, and impossible situation in our criminal legal system in which people have to get to work in order to pay their fines, but then we punish them for failure to pay – by preventing them from going to work and charging them more fines,” she said.

In the Senate, there was an unsuccessful attempt to [amend](#) the bill so drivers who had their licenses revoked because of failure to pay fines for traffic violations could get a restricted driver's license.

The amendment mirrored a [bill](#) introduced earlier in the session that was intended to give Kansans a way to drive while paying down their traffic fines. The bill was backed by the ACLU this year.

The amendment, however, was withdrawn after it got pushback from some Republican lawmakers who said there were concerns raised about reinstating privileges for drivers who had their licenses revoked, not just suspended.

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