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New Law Helps Get 'Professional Drunk Drivers' Off the Road
Refusal to take breath alcohol test in Kansas can bring criminal penalties

Kansas City, Kan. – "Professional drunks," he calls them. They're people who knew how to "game the system" so that they avoided any accountability for drinking and driving.

No more, said Steve Howe, the Johnson County district attorney who was among leaders who urged legislators to toughen Kansas drinking and driving laws. Howe and others told reporters at a news conference at Kansas City, Kan., police headquarters on Aug. 9 that the state's new "refusal" law will go a long way toward making the state's streets and highways safer for everyone.

"Professional drunks would repeatedly drink and drive and were becoming a great threat to the community," Howe said. "Those who refuse to take the breath test now will suffer the same penalty as if they took the breath test and were deemed to have been drinking and under the influence.

"Professional drunks no longer have the opportunity to skirt the law," Howe said.

Kenneth Garrett, a long-time Kansas City, Kan., police officer who in his 20-plus-year career has logged more than 10,000 DUI arrests, said he welcomes the new law.

"More often than not, innocent people die when a drunk driver has a crash," Garrett said. "DUIs are a violent crime, like you're waving a 3,000-pound weapon at everybody on or near streets and roads. Another car, or a child, can get in the way of that weapon in a split second, and an impaired driver will not be able to respond in time."

Howe said that statewide, nearly a third of persons stopped on suspicion of drinking and driving were refusing to take a breath alcohol test. By comparison, in neighboring Nebraska, which passed a refusal law several years ago, the rate was just 7 percent.

Garrett concurred with Howe that repeat offenders are a persistent problem in Kansas.

"I've got my regular customers," Garrett said. "I've arrested people with 15 DUIs, and I knew they would simply skip the breath test. With this new law, we have a better chance of getting repeat offenders off the road and educate them that this behavior is not going to be tolerated any more."

Garrett, who also maintains DUI records for the Kansas City, Kan., Police Department and provides training to law enforcement officers locally and statewide on DUI enforcement, said repeat drunk drivers were causing more than a third of his city's DUI arrests.

Asked about his own enforcement experiences, Garrett said: "Sometimes they find you. I've been hit three times in my police car by drunk drivers."

Pete Bodyk, manager of KDOT's Traffic Safety Section, announced at the news conference that law enforcement officers statewide would be participating in extra enforcement of DUI laws from Aug. 15 to Sept. 3.

"The end of the summer and the Labor Day weekend typically are times when drinking and driving increases," Bodyk said. "There will be advertising and social media outreach during this time to remind people not to drink and drive, and federal funding will be paying overtime to departments to enforce DUI laws."

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Note to editors: The above story is available for your free and unrestricted use. To arrange an interview with Steve Howe, Kenneth Garrett or Pete Bodyk, to arrange a ride-along with a law enforcement officer for your own feature story, or for more information about DUI enforcement, contact Chris Bortz, KDOT Bureau of Transportation Safety and Technology, 785-296-3756; or Neal Thurman, Trozzolo Communications Group, 816-842-8111.

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