



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 5/21/2024

FOCUS AREA: Legal

STAFF CONTACT: Ron Shaver and Bob Gallimore

SUBJECT: Proposed amendments to Section 10.01.030 of the Olathe Municipal Code relating to sentencing procedures for a third conviction of driving under the influence.

TITLE:

Report regarding proposed amendments to Section 10.01.030 of the Olathe Municipal Code (the Olathe Traffic Ordinance) relating to sentencing procedures for a third conviction of driving under the influence.

SUMMARY:

K.S.A. 8-1567 governs the offense of driving under the influence (“DUI”) and allows cities to enact ordinances also prohibiting DUI. Since 2001, the City of Olathe has done so in Olathe Municipal Code Section 10.01.030 (part of the Olathe Traffic Ordinance).

Generally, the City of Olathe has tried to follow the language of the state DUI statute as closely as possible, except where City-specific procedures need to be reflected. In a recent review of Section 10.01.030, staff found that procedural provisions regarding sentencing and supervision for third-time DUI offenses should be revised to reflect current City practices for evaluation and supervision of third-time DUI offenders, as well as current state law regarding consequences for such offenders who violate the terms of their supervision.

Staff has prepared proposed ordinance 24-XX (Attachment A), which would make these amendments. The proposed ordinance also makes amendments to conform to stylistic and clarifying changes made to the state statute by the 2024 Kansas Legislature. The proposed ordinance has been reviewed by the Municipal Judges and Police Department who are supportive of the changes.

FINANCIAL IMPACT:

None.

ACTION NEEDED:

Accept report. Unless otherwise directed by the City Council, staff will prepare Ordinance No. 24-XX for formal consideration on June 4, 2024.

ATTACHMENT(S):

A. Ordinance No. 24-XX
