

District Attorney Marc Bennett
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For Immediate Release

WICHITA, KAN. – Before July 1, 2013, prosecutors in Kansas found it difficult to hold DUI offenders accountable for injuries to others caused by their conduct. In order to prosecute an offender who caused bodily harm while driving under the influence, the State had to also prove the driver knew at the time of the incident that his or her conduct posed an imminent danger and that he or she demonstrated complete indifference to such danger by proceeding to operate a motor vehicle in such a manner as to cause harm.

Prosecutors in Kansas have gained a new tool which provides strict liability for those who choose to drive under the influence of alcohol or drugs.

“Aggravated Battery While DUI” no longer requires prosecutors to prove an offender’s awareness of the danger posed by drinking and driving.

In 1996, the Kansas Legislature imposed the same strict liability standard on those who unintentionally caused death to another while driving under the influence when it created the crime of Involuntary Manslaughter while DUI.

During the 2013 legislative session, Chief Attorney Aaron Breitenbach told state representatives it was reasonable to apply the same standard of liability to those causing injury or death while DUI.

In Kansas those who choose to drive under the influence and put their lives and the lives of others in jeopardy will be held properly accountable for the consequences of that choice.

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