



STATE OF KANSAS

*Office of the Attorney General*

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CURT T. SCHNEIDER  
*Attorney General*

April 23, 1975

Opinion No. 75-185

Michael J. Malone  
Assistant County Attorney  
Douglas County Courthouse  
Lawrence, Kansas 66044

Dear Mr. Malone:

Your recent inquiry asks whether K.S.A. 21-4616, providing for the annulment of criminal convictions of offenders under 21 years of age at the time of the commission of the offense, contemplates any distinction between felonies, misdemeanors, and traffic offenses for the purposes of the statute. Specifically, you query whether the term "crime" as employed in that statute includes the offenses of reckless driving and driving while intoxicated (DWI).

An analysis of §21-4616<sup>1</sup> discloses nothing which would indicate that the word "crime" as used therein should be narrowly interpreted and thus limited only to felony offenses. In consideration of the broad remedial purposes of the law and of the interpretive canon that remedial statutes should be liberally construed, it would seem unreasonable to unnecessarily limit the scope of the statute where no justification for so doing appears in the statutory language itself. Also, since the statute is codified within the Kansas Criminal Code, it seems reasonable to presume that the term was employed in its normal sense and thus should be interpreted to include misdemeanors as well as felonies.

Now, it is necessary to determine the criminal classification in which the offenses of reckless driving and DWI are included. K.S.A. 1974 Supp. 8-1502 states the general rule of classification for traffic offenses by providing that

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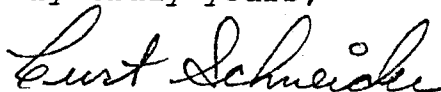
<sup>1</sup>Note also the similar provisions of K.S.A. 1974 Supp. 12-4514 concerning convictions for violations of municipal ordinances.

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unless otherwise declared, all violations of the traffic code shall constitute misdemeanors. See also K.S.A. 1974 Supp. 8-2116(a). K.S.A. 1974 Supp. §§8-1566 (reckless driving) and 8-1567 (DWI) do not otherwise classify themselves although each section establishes substantially greater penalties than those provided in §8-2116(b), concerning other violations of the code. Thus, it must be concluded that violations of those provisions are serious misdemeanors under the code and accordingly must be considered as "crimes" under §21-4616.

Therefore, after having examined the relevant statutory provisions, it is our opinion that the offenses of reckless driving and DWI are crimes for the purposes of the annulment statute, K.S.A. 21-4616, convictions of which may be annulled as provided by law.

Very truly yours,



CURT T. SCHNEIDER  
Attorney General

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