# Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2015 Regular Session

## **Part I: Measure Information**

Bill Request #: 1119
Bill #: HB 388
Bill Subject/Title: AN ACT relating to driving under the influence of controlled substances
Sponsor: Representative James L. Kay
Unit of Government:XCityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment
Office(s) Impacted: local law enforcement, local jails
Requirement: <u>X</u> Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

# Part II: Purpose and Mechanics

HB 388 would add six new substances to the list of those controlled substances in KRS 189A.010(12) that, if detected in a suspect's blood, would constitute driving under the influence and a violation of KRS 189A.010(d).

#### Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

#### The fiscal impact of HB 388 on local governments would be minimal.

Adding substances which would constitute a *per se* violation of laws prohibiting DUI would not significantly increase convictions and incarcerations, and so would have a minimal financial impact on local law enforcement and local jails. To the extent HB 388 would increase misdemeanor convictions and incarcerations, local governments' costs could rise as they are responsible for housing persons convicted of a misdemeanor and those charged who do not post bail, at an estimated average cost per inmate of \$31.34 per day. Misdemeanor jail time ranges from a maximum 90 days (Class B misdemeanor) to a maximum of one year (Class A misdemeanor). To the extent HB 388 would increase felony convictions; local jails could experience some additional revenue. Local jails are responsible for costs of incarcerating persons charged with felony DUI who don't post

bail, until disposition of their case in one of Kentucky's 78 full service jails or five life safety jails. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. The Department of Corrections pays a jail \$31.34 per day to house a Class D felon. Since the per diem pays for the estimated average cost of housing a Class D felon, the per diem may be less than, equal to, or greater than the actual housing cost.

## Data Source(s): <u>Kentucky County Attorneys' Association, LRC staff</u>

Preparer:	Mary Stephens	<b>Reviewer:</b>	MCY	Date:	2/23/15
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