

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

Part I: Measure Information

Bill Request #: 270

Bill #: HB 60 GA

Bill Subject/Title: AN ACT related to driving under the influence.

Sponsor: Representative Dennis Keene

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: Local Courts,

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

HB 60 GA replaces hardship licenses with the issuance of an "ignition interlock license" which permits a person to drive noncommercial motor vehicles or motorcycles equipped with a functioning ignition interlock device. The court-ordered use of an ignition interlock device is already provided for in statute. An ignition interlock device is a mechanism, like a breathalyzer, installed on a motor vehicle's dashboard that prohibits ignition if the driver meets a minimum blood alcohol threshold.

HB 60 GA provides that a person must be enrolled in or have completed an alcohol or substance abuse program before being eligible for an ignition interlock device.

HB 60 GA provides that a court may credit the amount of days a person has held a valid ignition interlock device to the required amount of time an ignition interlock device has been ordered by the court, but cannot reduce the period of time for which an ignition interlock device is required to less than 12 months for second, third, fourth, and subsequent DUI offenses.

HB 60 GA provides the person may retain valid license plate(s) for all vehicles he solely or jointly owns while holding a valid ignition interlock license.

HB 60 GA provides that a person may apply for an ignition interlock license following any period of incarceration related to the DUI offense.

HB 60 GA provides that a person will be unable to obtain an ignition interlock device during the license suspension period resulting from refusal to submit to an alcohol concentration or substance test. However, the person at the time of arraignment may waive judicial review of the suspension after which the court in its discretion may allow the individual to apply for an ignition interlock license. Conversely, if a test is taken, the offender may immediately apply for an ignition interlock license and may receive credit for the number of days the conditional license was held if convicted.

HB 60 GA requires the applicant to pay the cost of leasing or buying the device as well as installing, servicing, and maintaining the device.

HB 60 GA also increases the period of license revocation for the first DUI offense within a five year period to a period of not less than six months nor more than nine months. Revocation periods for subsequent DUI offenses within a five year period remain the same.

HB 60 GA provides that if a defendant has operated a motor vehicle at any time, place, or purpose other than those authorized upon the face of the ignition interlock license, the defendant's license shall be revoked or if the defendant is allowed to continue to use the court-ordered ignition interlock license, the installation of an ignition interlock device that identifies the operator by means of a camera or other identification / monitoring technology must be installed. The defendant must also continue to comply with the original requirements of the court-ordered ignition interlock license.

Any defendant that drives with a revoked license is guilty of a Class A misdemeanor.

Any defendant that drives without a court ordered identification / monitoring device is guilty of a Class D felony and shall have his or her license revoked for the initial period of revocation plus an additional six months.

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

The fiscal impact of HB 60 GA on local governments is expected to be minimal.

All cost to install and maintain the device will be paid by the applicant. The device is optional and the court may establish a payment schedule for the applicant. The cost involved to install and maintain might be a hardship on some applicants. Given that, this might be construed as a means of giving financially secure applicants the means to drive if convicted of a DUI. Those convicted of a DUI, but not as financially secure, may not be able to apply for an ignition interlock license. Typically, the installation costs are around \$50 to \$200. Monthly rental and monitoring fees range from \$50 to \$100. The device will normally need to be checked and calibrated every 60 days. Current law provides for an application cost not to exceed the actual cost of issuing the device up to \$200.

Any fees currently retained by local agencies will not be affected.

A person convicted of a Class A misdemeanor may be incarcerated for up to one year. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average of \$31.34 per day.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 78 full service jails or five life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a 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): <http://www.ignitioninterlockdevice.org/installationexpense.html>, LRC Staff

Preparer: Wendell Butler **Reviewer:** MCY **Date:** 2/26/15