



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

**The fiscal impact of SB 34 GA on local jails is expected to be moderate.**

During FY 2014, 23,993 individuals were convicted of a DUI offense. The majority of convictions were for first time offenses. In 2014, there were 18,917 individuals convicted of a first offense DUI, 4,048 individuals convicted of a second DUI, 891 individuals convicted for a third time, and 137 DUI 4<sup>th</sup> convictions.

SB 34 GA would look back ten years for prior DUI convictions instead of the current five years, allowing additional prior DUI convictions to be captured. This increase would mean more DUI second, third, and fourth offense convictions, resulting in more jail time.

Increased jail time may increase local jail costs or potentially be a source of additional revenue. Local governments are responsible for the cost of incarcerating an individual who does not make bail when charged with a Class A or Class B misdemeanor, and individuals convicted of one of these offenses.

To the extent the bill increases convictions for DUI 2<sup>nd</sup> and 3d (misdemeanors) costs to local jails would go up. A person convicted of a Class A misdemeanor may be incarcerated for up to one year. A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. Misdemeanants are housed in one of Kentucky's 78 full service jails or five life safety jails. Local governments are also responsible for the cost of incarcerating persons charged with a felony (if they do not make bail) until disposition of their case. While the expense of housing inmates varies by jail, each additional misdemeanor or felon 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 cost local jails an average of \$31.34 per day.

To the extent the bill increases convictions for DUI 4<sup>th</sup> (Class D felony) it could result in additional revenue to local jails. Upon sentencing, most Class D felons are housed in one of Kentucky's 78 full service jails for the duration of their sentence. The Department of Corrections pays a jail \$31.34 per day to house a convicted Class D felon. Since the per diem pays 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):** Administrative Office of the Courts, LRC Staff, Kentucky County Attorney's Association

**Preparer:** Mary Stephens      **Reviewer:** MCY      **Date:** 2/18/15