

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

The fiscal impact of SB 34 SCS 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 4th convictions.

SB 34 SCS 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. 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.

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. 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 also cost local jails an average of \$31.34 per day.

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 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.

SB 34 SCS would have no to minimal impact on local government costs because most DUI defendants, both misdemeanor and felony, post bail and are not incarcerated while awaiting trial. The SCS would not, or would minimally, increase the number of people in local jails or the length of their stay.

Data Source(s): Administrative Office of the Courts, LRC Staff, Kentucky County Attorney's Association

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