

Section 1 (10) of the bill would make HB 221 apply retroactively to DUIs occurring prior to the effective date of the bill.

Section 2 of the bill would make conforming amendments to KRS 189A.070 regarding license revocation for DUI offenses.

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

The fiscal impact of HB 221 on local governments would be indeterminable but negative.

DUI first offense has no mandatory jail time, unless an aggravating circumstance listed in KRS 189A.010 (11) is present while the person was driving under the influence.

HB 221 would result in an unknown number of additional misdemeanor convictions for DUI 2nd offense. Under HB 221 local jails would house some additional DUI defendants who, under current law, would have spent no time in jail because their prior DUI occurred more than 10 years before. Those who instead are convicted of DUI 2nd offense because the prior offense occurred with an aggravating circumstance would spend a minimum of seven days to a maximum of six (6) months in one of Kentucky's 76 full service jails or five (5) life safety jails.

While the expense of housing inmates varies by jail, the estimated impact of \$31.34 per day is based on the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who do not will cost local jails an average of \$31.34 per day. Therefore, each additional DUI 2nd offender will cost a local jail a minimum \$219.38 for seven (7) days to a maximum \$5641.20 for 180 days (six (6)) months in jail.

The number of additional inmates that would be incarcerated and for how long is not determinable.

Data Sources: Department of Corrections; LRC Staff;

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 3/9/17