## Local Government Mandate Statement Kentucky Legislative Research Commission 2019 Regular Session

## **Part I: Measure Information**

Bill Request #: 1381
Bill #: HB 428
<b>Document ID #:</b> 4125
Bill Subject/Title: AN ACT relating to alcohol monitoring devices.
Sponsor: Representative Joni L. Jenkins
Unit of Government: X City X County Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

As used in HB 428, an alcohol monitoring device is defined as and used in the same manner as an ignition interlock. HB 428 defines "alcohol monitoring device" and an "ignition interlock" as devices that connects a motor vehicle or motorcycle ignition system or to a breath alcohol analyzer and prevents the vehicle or motorcycle from starting if a driver's breath alcohol concentration exceeds 0.02.

HB 428 provides that after 12 months of revocation, a person may move the court to reduce the period of revocation on a day for day basis for each day the person held a valid ignition interlock license or used an alcohol monitoring device. In no case, shall the use of an ignition interlock or an alcohol monitoring device be less than 12 months. To qualify for a reduction of revocation, a person cannot consume alcohol or tamper with the alcohol monitoring device.

The following language regarding what the alcohol monitoring device is to do as related to pre-trial release has been relocated within KRS 431.068:

- (a) Test for alcohol concentration level through schedule, random, continuous, or ondemand testing;
- (b) Detects and records tampering attempts; and
- (c) Transmits the data by means of either a telephone line or cellular uplink, or records the data for retrieval through methods approved by the court.

HB 428 provides that a county attorney may establish an indigent fund to help pay the administrative and operating costs for indigent defendants.

The fiscal impact of HB 428 on local governments is expected to be nil or minimal. Cost for installing and monitoring an alcohol monitoring device are to be paid by the defendant. Cost related to ignition interlock systems currently in use now are already realized.

## Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II refers to HB 428 as introduced. There are no prior versions of HB 428.

**Data Source(s):** LRC Staff

**Preparer:** Wendell F. Butler **Reviewer:** KHC **Date:** 2/26/19