Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 932			
Bill #: SB 74 GA			
Document ID #: <u>3617</u>			
Bill Subject/Title: AN ACT relating to driving under the influence.			
Sponsor: Senator Whitney Westerfield			
Unit of Government:	City	County	Urban-County Unified Local Government
	Charter County	Consolidated Local	
Office(s) Impacted:	Law enforcement		
Requirement:	Mandatory Opti	ional	
Effect on Powers & Duties:	Modifies Existing	Adds New El	liminates Existing

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

Under current law, KRS 189A.105 provides that a judge may issue a search warrant or other court order requiring a person charged with driving under the influence to submit to a blood or urine test **IF** a person is killed or suffers physical injury as a result of the incident giving rise to the DUI charge. SB 74 GA would amend KRS 189A.105 to eliminate the requirement that a fatality or serious injury have occurred before a judge may issue an order in a DUI case that the defendant submit to testing.

SB 74 GA would have no fiscal impact on local governments. The bill applies to courts. It imposes no requirement on local governments, including local law enforcement, to conduct blood or urine sampling. It appears from KRS 189A.105 (2)(b) that the state pays the upfront costs of blood or urine testing in DUI cases. That section currently requires that, if testing done pursuant to a warrant reveals the presence of alcohol or other substance that impaired the driving ability of a person convicted of DUI, the defendant must make restitution to the state for the cost of testing. In instances where the person charged is not convicted, according to the Kentucky Association of Chiefs of Police (KACP) the costs of

testing may be paid by various sources, including the requesting agency (which could be a local police department or State Police) or, perhaps, a crime victim's compensation fund. The cost of laboratory tests of urine and blood samples varies widely. An internet search revealed that drug or alcohol analysis of a urine sample performed at a laboratory typically costs \$50-\$80 or more; drug and alcohol analysis of a blood sample typically costs under \$100. Based on this information, the approximate maximum cost to a local police department that requests and receives a warrant or other order for a blood <u>and</u> urine analysis would be \$180.

SB 74 GA does not impact the cost of testing nor impose a mandate on local law enforcement to test blood or urine samples.

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

SB 74 GA adopts SCS 1, which reinstated original language of the statute that makes it clear the authorization for a judge to issue a search warrant requiring a blood or urine test under the statute applies after a defendant has been charged with a violation of KRS 189A.105 or other statute arising from a DUI incident. The fiscal impact of SB 74 GA on local governments is the same as for SB 74 SCS 1.

Data Source(s): <u>Kentucky Association of Chiefs of Police;</u>

http://health.costhelper.com/drug-alcohol-test.html

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 1/29/20