Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 932			
Bill #: SB 74 SCS			
Document ID #: 2940			
Bill Subject/Title: AN ACT relating to driving under the influence.			
Sponsor: Senator Whitney Westerfield			
Unit of Government:CityCountyUrban-County Unified Local			
Charter County Consolidated Local Government			
Office(s) Impacted: Law enforcement			
Requirement: Mandatory Optional			
Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing			

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

Under current law, 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/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 SCS would amend KRS 189A.105 to eliminate the requirement that a fatality or serious injury have occurred before a judge may issue an order that the defendant submit to testing.

SB 74 SCS reinstates that part of the original language of the statute which makes it clear that the authorization to issue a search warrant requiring a blood or urine test under the statute applies where a defendant is <u>charged</u> with a violation of KRS 189A.105 or other statute arising from a DUI incident.

The **fiscal impact of SB 74 SCS on local governments would be none to minimal.** The bill applies to courts. It imposes no requirement on local governments, including local law enforcement, to seek warrants for 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.

The bill does not impose a mandate on local law enforcement to seek warrants for testing of blood or urine in any DUI case.

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

The Senate Committee Substitute to SB 74 does not change the fiscal impact of the bill as originally introduced.

Data Source(s):	: <u>Kentucky Association of Chiefs of Police;</u>		
http://health.costhelper.com/drug-alcohol-test.html			
Preparer: Mary	Stephens Reviewer: Kl	HC Date: 1/21/20	