

or alcohol (DUI) in order for a judge to issue a search warrant or other order for a defendant's blood or urine for testing. However, if the incident did result in a fatality, then the officer shall request a warrant for a blood test. The request for a warrant of a breath or urine test is removed.

HB 154 HCS 1 **Section 6** would amend KRS 189A.110 to establish that a person arrested for DUI whose **breath** analysis, rather than a **blood** alcohol test as under current law, shows an alcohol concentration of .15 percent or more shall be retained in custody for at least four hours following their arrest.

HB 154 HCS 1 **Section 7** declares an emergency and that the Act takes effect upon its passage and approval by the Governor, or upon its otherwise becoming law.

The fiscal impact of HB 154 HCS 1 on local law enforcement or county attorney offices would be nil to minimal. According to the Kentucky County Attorneys Association the amendments in HB 154 HCS 1 would have no fiscal impact on their offices, and would not increase the number of cases handled or staffing required. KCAA reports that the provisions of the bill would render their prosecution of DUI cases more effective since they could get search warrants on a showing of probable cause, without the requirement of a fatality or serious injury. It is possible that more effective prosecution of DUIs could result in an increase in the number of persons jailed, but any increase would be minimal.

KRS 189A.085 already requires persons convicted of DUI in certain situations to surrender their license plates. According to the office of the Franklin County Circuit and District Court Clerks the majority of defendants comply with the requirement to surrender their license plates. Enforcing court orders and seizing property of those who don't comply is a regular duty of sheriff's offices and would have little or no additional fiscal impact on law enforcement.

If the Department of Criminal Justice adopts new instructions for performing a breath test to determine intoxication local law enforcement personnel may need training in those new instructions. The cost of such training is unknown but, unless instructions are radically different from current instructions, training likely could be included in already-required peace officer training with little or no additional cost.

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

Part II applies to HCS 1 of HB 154. **HCS 1 would have less fiscal impact on local law enforcement or county attorney offices than HB 154 as introduced.**

HCS 1 differs from HB 154 as introduced in the following ways:

1. HCS 1 deletes provisions of HB 154 as introduced that removed consequences for a DUI defendant who refuses to submit to a blood test for drugs or alcohol.

2. HCS 1 adds a requirement that law enforcement seize vehicle license plates of a person convicted of DUI and ordered to surrender their license plates, if law enforcement is ordered by a court to do so;
3. HCS 1 adds a provision authorizing the Department of Criminal Justice Training to adopt instructions for performing a breath test in DUI cases.

Data Source(s): Franklin Circuit and District Court Clerk's office; Kentucky County Attorneys Association

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 2/7/22