

The fiscal impact of **HB 185 GA** on local governments is indeterminate but expected to be minimal to moderate depending on the number of DUI convictions in a given local government. The data reflecting DUI convictions isn't granular enough to discern which charges were of the third, fourth, or subsequent offense, which would provide a more confident estimate on the fiscal impact of **HB 185 GA**. The provisions to escalate a third offense to a Class D felony could increase the amount of time an individual will spend in jail.

Misdemeanants are housed in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$35.43 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$35.43 per day.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 74 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$35.43, which includes the \$31.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The per diem may be less than, equal to, or greater than the actual housing cost.

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

Part II, above, pertains to **HB 185 GA** as amended by **HCS 1, HFA 2, and Committee Amendment (1-title)**.

HCS 1 deleted all provisions from the bill as introduced. The bill, as introduced, amended KRS 189A.085 to require the court to issue an order directing a peace officer to seize a license plate or plates from an individual convicted of DUI under KRS 189A.010.

HFA 2 removes the requirement to impose a fine and imprisonment for 48 hours following a conviction of a first DUI offense. The courts may impose either option or both. In addition, **HFA 2** inserts **Section 2** to amend KRS 189A.110 to require a person arrested for a DUI violation to remain in custody for eight hours prior to release.

The fiscal impact of **HB 185 GA** on local governments remains the same as the impact for **HB 185 HCS 1**, though eliminating the provision to require a jail sentence upon a first offense could lessen the negative impact relative to **HB 185 HCS 1**.

Data Source(s): LRC Staff; Department of Corrections; Administrative Office of the Courts

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