Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 1023
Bill #: HB 400
Document ID #: 3730
Bill Subject/Title: AN ACT relating to driving under the influence.
Sponsor: Representative Chad R. Aull
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: Law Enforcement and 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

HB 400 makes changes to KRS Chapter 189A, particularly the penalties for persons under 21 who have a certain alcohol concentration within two hours of operating a motor vehicle.

Section 1 removes provisions of KRS 189A.010 that specify penalties for such individuals. Section 2 changes the penalties for those under 21 who are convicted of driving under the influence. The original statute states that the suspension period for a license to operate a motor vehicle is four to six months, depending on whether the person meets the 90 consecutive day requirement within the first four months of their issuance of an ignition interlock license, but the proposed changes increase the length of suspension depending on the number of convictions. For the first offense, the suspension period is one year, with no driving privileges granted for 90 days, after which an ignition interlock license may be issued. For the second offense, the suspension period is two years, with no driving privileges granted for one year, after which an ignition interlock license may be

issued. For the third offense, no driving privileges may be granted for either one year or until the person reaches the age of 21, whichever is longer.

HB 400 would likely have a small, indeterminate fiscal impact on local public entities. The bill does not affect the amount of time that offenders spend in local detention facilities, but there may be some costs associated with enforcing lengthier suspension periods for offenders under 21 years of age. For example, ignition interlock licenses may be required for longer periods of time.

According to the Administrative Office of the Courts, between CY 2020 and CY 2022, there were 516 convictions of offenses pursuant to KRS 189A.010(1)(F) at the District and Circuit level, an average of 172 convictions per year. At this level, the extra cost associated with enforcement may be non-negligible. However, these costs may be offset if longer suspension periods and mandatory minimum periods reduce drunk driving incidents among repeat offenders under 21, resulting in lower costs associated with enforcement and prosecution of such offenses.

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

Part II refers to HB 400 as introduced. There are no prior versions

Data Source(s): LRC Staff, Administrative Office of the Courts

Preparer: Ryan Brown (WB) **Reviewer:** KHC **Date:** 3/1/23