

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2026 Regular Session**

**Part I: Measure Information**

<b>Bill Request #:</b>	2473	<b>Bill #:</b>	HB 857
<b>Document ID #:</b>	7364	<b>Sponsor:</b>	Rep. Steve Riley
<b>Bill Title:</b>	AN ACT relating to driving under the influence.		

Unit of Government:     City                             County                             Urban-County  
                                   Charter County             Consolidated Local         Unified Local

Office(s) Impacted:    Law Enforcement, Jails

Requirement:             Mandatory             Optional

Effect on Powers & Duties:     Modifies Existing     Adds New     Eliminates Existing

Other Fiscal Statement(s) that may exist:     Actuarial Analysis             Corrections Impact  
     Health Benefit Mandate     State Employee Health Plan

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

Under current law, KRS 189A.010, an individual convicted of DUI for their third offense within a ten-year period shall be fined between \$500 and \$1,000 and shall be imprisoned in the county jail for a minimum of 30 days and a maximum of 12 months; certain aggravating circumstances will escalate the minimum to 60 days. Section 1 of HB 857 removes these provisions and makes a third or subsequent offense equivalent to the provisions currently applied to a fourth or subsequent offense within 10 years, which is a Class D felony. If any aggravating circumstances are present, the mandatory minimum term of imprisonment would be for 240 days.

Section 1 also amends KRS 189A.070 to create new penalties for subsequent offenses when a person below the age of 21 has a blood alcohol concentration of more than .02 within two hours of cessation of operation of a motor vehicle. The fine amount for the first offense would be raised from no less than \$100 to no less than \$200. The second offense would be associated with a fine of between \$350 and \$500 and 20 hours of community service. The third or subsequent offense would be associated with a fine of between \$500 and \$1,000 and 40 hours of community service.

Section 2 would amend KRS 189A.070 to increase the length of license suspensions for subsequent violations of KRS 189A.010(1)(f) involving a person below the age of 21 who has a blood alcohol concentration of more than .02 within two hours of cessation of operation of a motor vehicle.

**The fiscal impact of HB 857 on local governments is indeterminate but expected to be negative 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 857. The provisions to escalate a third offense to a Class D felony could increase the amount of time an individual will spend in jail.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. 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 \$47.43 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 \$47.43 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 \$47.43, which includes the \$35.34 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 Department of Corrections pays a jail \$35.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

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

**Preparer:** HT **Reviewer:** TJ (MDA) **Date:** 3/6/26