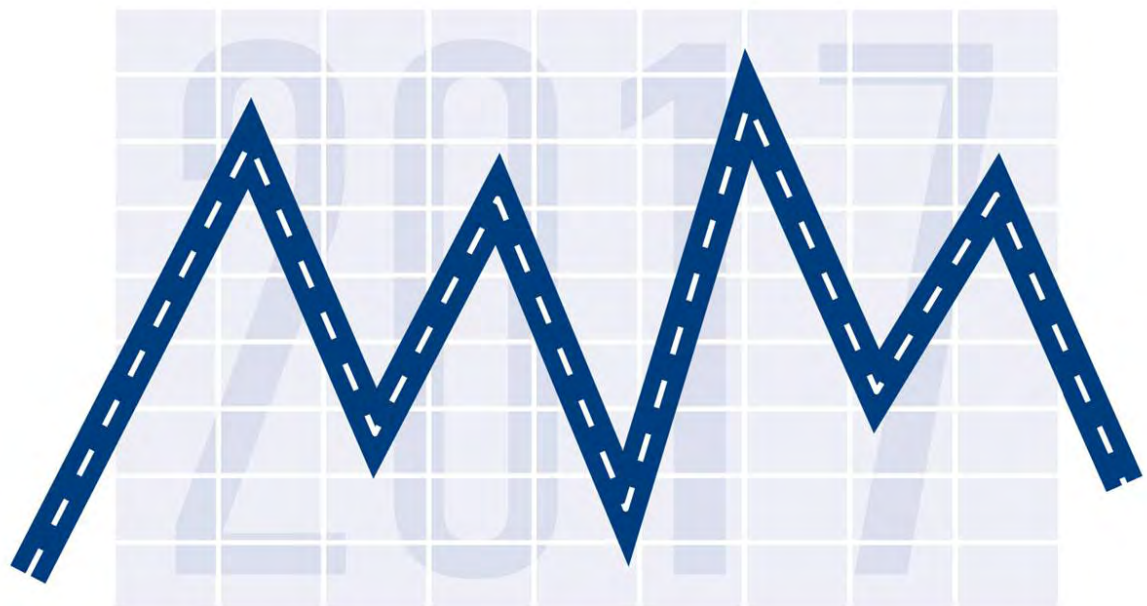


UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Fifteenth Annual DUI Report to the Utah Legislature



CCJJ
Utah State Capitol Complex
Senate Office Building, Suite 330
P.O. Box 142330
Salt Lake City, Utah 84114-2330
Phone: 801-538-1031 • Fax: 801-538-1024
<https://justice.utah.gov>

Acknowledgements

The Utah Commission on Criminal and Juvenile Justice gratefully acknowledges the following agencies for providing the data for this report: the Administrative Office of the Courts; the Utah Department of Human Services, Division of Substance Abuse and Mental Health; the Utah Department of Public Safety's Highway Patrol, Driver License Division, and Highway Safety Office; the Utah State Data Center; and the Utah Department of Transportation.

Special thanks to Marty Asay, George Braden, Art Brown, Ron Gordon, Robyn LaLumia, Gary Mower, Dr. Ben Peterson, Briant Smith, Jill Sorensen, David Walsh and Tara Zamora for their contributions and assistance in preparing this report.

Table of Contents

Acknowledgements

Table of Contents

Executive Summary	1
DUI in Utah: CY 2016 / FY 2017	1
Purpose of the Report	3
1 DUI Policy in Utah	5
2017 DUI-Related Legislation	5
2 Law Enforcement	9
DUI-Related Arrests	9
DUI-Related Arrests by Violation Type	9
DUI Overtime Enforcement Events	10
DUI-Related Arrests by Agency Type	10
DUI-Related Arrests by Gender	10
DUI-Related Arrests by Age	11
DUI-Related Arrests by Blood/Breath Alcohol Concentration (BAC)	11
DUI-Related Arrests by Month	12
DUI-Related Arrests by County	13
DUI-Related Arrest Rates by Population	14
Repeat Offenders by Type of DUI-Related Arrest	14
DUI-Related Crashes, Injuries and Fatalities	15
DUI/Alcohol-Related Crashes, Injuries and Fatalities	15
DUI/Alcohol-Related Fatalities by Population and Vehicle Miles Traveled	16
DUI/Drug-Related Crashes, Injuries and Fatalities	17
3 Adjudications and Sanctions	19
Justice Court DUI-Related Data	19
Justice Court DUI-Related Cases and Outcomes	20
Justice Court Data for DUI-Related Repeat Offenders	20
Justice Court DUI-Related Case Information and Sanctions	21
District Court DUI-Related Data	22
District Court DUI-Related Case Outcomes	22
District Court Data for DUI-Related Repeat Offenders	22
District Court DUI-Related Case Information and Sanctions	23
4 Driver License Control	25
Driver License Hearing Statistics	25
5 Screening, Assessment, Education and Treatment	27
Screening and Assessment	27
Education	27
Treatment	28
6 Utah's Impaired Driving Media Campaign	29
Utah DUI Sentencing Matrix	



Statistical Note: Data in this report are current as of October 24, 2017, unless otherwise noted. Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.

Executive Summary

DUI in Utah: CY 2016 / FY 2017

DUI and Drug-Related Fatalities

- From CY 2015 to CY 2016, the number of fatalities resulting from incidents involving a driver with a BAC of .08 or greater decreased by one, from 37 to 36.
- The number of drug-related crashes increased from 701 in CY 2015 to 792 in CY 2016, a 13 percent increase.
- The number of fatalities involving drivers who tested positive for drugs and had a BAC of less than .08 increased seven percent, from 67 in CY 2015 to 72 in CY 2016.

Law Enforcement: DUI-Related Arrests

- There were 10,762 DUI-related arrests in FY 2017, seven more than in FY 2016.
- Eighty-one percent of the arrests were for per se violations where the driver had a .08 or greater blood/breath alcohol concentration, or was impaired by alcohol, other drugs, or a combination of the two to the extent it was unsafe to operate a vehicle.
- Arrests included 1,971 made during specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI sobriety checkpoints that involved law enforcement agencies throughout the state.

- Fifty-seven percent of all arrests were made by municipal law enforcement agencies.
- Seventy-two percent of arrestees were male.
- Twelve percent of arrestees were under the legal drinking age of 21 and the youngest arrestee was 14 years old.
- The average blood alcohol content (BAC) for arrestees was .15 and the highest was .42, *over five times the legal limit*.
- The majority of arrests occurred along the Wasatch Front with Weber, Davis, Salt Lake, and Utah Counties accounting for 72 percent of the total.
- While Utah's population has continued to grow, the arrest rate has declined steadily, with a nearly 39 percent decrease since FY 2009.
- Seventy-one percent of arrests were for a first offense, 19 percent were for a second offense, seven percent were for a third offense, and three percent were for a fourth or subsequent offense.

Courts: Adjudications and Sanctions

- In FY 2017, there were 8,674 DUI-related cases disposed by Utah's Justice Courts. Among the cases resolved, 78 percent resulted in a guilty plea or verdict.
- In FY 2017, there were 3,243 DUI-related cases disposed by the state's District Courts. Among the cases resolved, 71 percent resulted in a guilty plea or verdict.

Driver License Control

- The Driver License Division conducted 4,422 hearings in FY 2017 to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.
- In 1,704 cases, the Driver License Division was unable to take action against the driver due to the absence of the arresting officer at the hearing or other factors.

Assessment, Education and Treatment

- Justice Court judges ordered offenders to undergo a substance use disorder screening and assessment in 4,621 cases, ordered an educational series in 3,223 cases, and ordered substance use disorder treatment in 2,856 cases.
- District Court judges ordered offenders to undergo a substance use disorder screening and assessment in 1,001 cases, ordered an educational series in 401 cases, and ordered substance use disorder treatment in 1,214 cases.

Purpose of the Report

The *Fifteenth Annual DUI Report to the Utah Legislature* was prepared in accordance with §41-6a-511 of the Utah Code. The statute requires the Utah Commission on Criminal and Juvenile Justice to prepare an annual report of DUI related data, including the following:

- Data collected by the state courts to allow sentencing and enhancement decisions to be made in accordance with violations involving driving under the influence of alcohol and/or other drugs;
- Data collected by the justice courts (same DUI related data elements collected by the state courts); and
- Any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of: law enforcement; adjudication; sanctions; driver license control; and alcohol education, assessment, and treatment.



DUI Policy in Utah



The Utah Legislature establishes policy for dealing with driving under the influence of alcohol and other drugs through the passage of bills that are enacted into law. This section summarizes the bills passed by the 2017 Utah Legislature and their impact on DUI policy in Utah.

2017 DUI-Related Legislation

H.B. 155 Driving Under the Influence and Public Safety Revisions

Representative Norman Thurston

This bill reduces the per se legal limit for operating or being in actual physical control of a vehicle in Utah, and for automobile homicide, from a blood or breath alcohol concentration (BAC) of .08 grams or greater to .05 grams or greater;

Requires law enforcement agencies to ensure that peace officers receive training on the current standard field sobriety testing guidelines established by the National Highway Traffic Safety Administration (NHTSA);

Makes the following persons alcohol restricted drivers: a “novice learner driver” (an individual who has applied for a Utah driver license, has not previously held a driver license in Utah or another state, and has not completed the requirements for issuance of a Utah driver license); and a novice licensed driver” (an individual who has completed the requirements for issuance of a Utah driver license, was issued a Utah driver license within the last two years, and has not previously held a driver license in Utah or another state); and

Provides a special effective date of December 30, 2018.

H.B. 162 Driving Under the Influence Classification and Sentencing Revisions

Representative Steve Eliason

This bill removes the home confinement with electronic monitoring sentencing option for conviction of a first offense for driving under the influence of alcohol, drugs, or a combination of both (DUI);

Removes the requirement that a sentence of 10 days in jail be served consecutively (may now be split up at the discretion of the court) for conviction of a second DUI offense;

Removes the sentencing options for 10 days of community service or 10 days of home confinement for conviction of a second DUI offense and provides a new sentencing option consisting of 5 days in jail plus 30 days of home confinement that includes alcohol monitoring; and

Removes the sentencing option for home confinement with electronic monitoring for conviction of a third or subsequent (felony) DUI offense and requires a jail sentence of at least 62.5 days if the individual is not sentenced to prison.

H.B. 250 Driving Under the Influence Program Amendments

Representative Justin Fawson

This bill authorizes a court to order a person convicted of certain DUI violations, and who is 21 years of age or older, to participate in a 24-7 Sobriety Program;

Requires the Driver License Division to shorten certain driver license suspension periods if the Division receives notice from a court that a person is participating in a 24-7 Sobriety Program;

Requires the Department of Public Safety to establish and administer a 24-7 Sobriety Program as a pilot program;

Requires that the 24-7 Sobriety Program be evidence-based; and

Appropriates \$100,000 (one-time) to the Utah Department of Public Safety to establish a 24-7 Sobriety Pilot Program.

S.B. 42 DUI Impound Fee Refund Amendments
Senator Wayne Harper

This bill extends the time period within which a vehicle's registered owner, lien holder, or owner's agent may present written evidence to the State Tax Commission to request that the administrative impound fee be waived or refunded, from 30 days to 180 days.



Law Enforcement

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI-related arrests. In FY 2017, law enforcement officers made 10,762 arrests, seven more than in FY 2016.

DUI-Related Arrests

DUI-Related Arrests by Violation Type

As illustrated in the following table, the distribution of DUI-related arrests by type of violation in FY 2017 was very similar to previous years. About 81 percent of the arrests were for per se violations where the driver had a .08 or greater blood/breath alcohol concentration, or was impaired by alcohol, drugs, or a combination of the two to the extent it was unsafe to operate a vehicle. Under Utah law, drivers are considered to have given consent to tests of breath, blood, urine, or oral fluids to determine whether they are driving under the influence of alcohol and/or other drugs. Almost 13 percent of arrests were for refusal to submit to a chemical test. It is also illegal to drive with any measurable controlled substance or metabolite of a controlled substance in a person's body, which accounted for two percent of arrests. Violations of the Not a Drop statute, by persons under the age of 21 who drove with any measurable alcohol concentration in their body, accounted for three percent of the arrests. The fewest arrests were of commercial drivers exceeding the .04 limit, which represented less than one percent of the total.

DUI-Related Arrests by Violation Type	FY 2015		FY 2016		FY 2017		Percent Change FY 16–FY 17
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	8,751	81.0%	8,800	81.8%	8,755	81.3%	-0.5%
Refusal of Chemical Test	1,373	12.7%	1,358	12.6%	1,376	12.8%	+1.3%
Not a Drop (< 21)	397	3.7%	356	3.3%	335	3.1%	-5.9%
Drug Metabolite	180	1.7%	219	2.0%	268	2.5%	+22.4%
Commercial Driver (.04)	29	0.3%	9	0.1%	19	0.2%	+111.1%
Unknown (no box marked)	72	0.7%	13	0.1%	9	0.1%	-30.8%
TOTAL	10,802	100.0%	10,755	100.0%	10,762	100.0%	+0.1%

Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in SFY 2017/FFY 2017* included those that occurred as a result of specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints. State funding from DUI impound fees collected, as well as federal funding from the National Highway Traffic Safety Administration (NHTSA), was used to fund the overtime shifts coordinated through the Utah Highway Safety Office. Law enforcement agencies throughout Utah participated, including local police agencies, sheriffs' offices, the Utah Highway Patrol, and university police departments. The table below shows the measures associated with these specialized DUI overtime enforcement events.

Statewide DUI Overtime Enforcement Events	State-Funded	Federally-Funded	Totals
	SFY 2017*	FFY 2017*	
DUI Shifts Worked	4,534	1,200	5,734
Vehicles Stopped	36,727	15,154	51,881
DUI Arrests**	1,655	316	1,971
Vehicles Impounded	1,411	260	1,671
Alcohol-Related Arrests***	1,852	162	2,014
Drug-Related Arrests****	2,242	352	2,594
Warrants Served	831	150	981
Other Warnings/Citations	38,420	8,663	47,083
Designated Drivers Observed/Documented	642	231	873

Source: Utah Department of Public Safety, Highway Safety Office
 *SFY 2017 = July 1, 2016 – June 30, 2017; FFY 2017 = October 1, 2016 – September 30, 2017
 **Includes 1,067 DUI/alcohol-related, 578 DUI/drug-related, and 326 metabolite arrests
 ***Includes open container and underage/youth alcohol violations (e.g., possession, consumption, attempted purchase, Not a Drop)
 ****Felony and misdemeanor (e.g., drug possession)

DUI-Related Arrests by Agency Type

Nearly 57 percent of all DUI-related arrests in FY 2017 were made by municipal law enforcement agencies, with the Utah Highway Patrol responsible for almost 32 percent, and county sheriffs' offices responsible for almost 12 percent.

DUI-Related Arrests by Agency Type	FY 2015		FY 2016		FY 2017	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,272	11.8%	1,463	13.6%	1,248	11.6%
City Police/Other	6,033	55.8%	5,725	53.2%	6,112	56.8%
Highway Patrol	3,497	32.4%	3,567	33.2%	3,402	31.6%
TOTAL	10,802	100.0%	10,755	100.0%	10,762	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI-Related Arrests by Gender

The table on the following page shows the proportions of male and female arrestees have remained fairly constant over the past three years. In FY 2017, where the gender was specified, 72 percent of arrestees were male and about 26 percent were female.

DUI-Related Arrests by Gender	FY 2015		FY 2016		FY 2017	
	Number	Percent	Number	Percent	Number	Percent
Male	7,887	73.0%	7,801	72.5%	7,747	72.0%
Female	2,727	25.3%	2,763	25.7%	2,777	25.8%
Unspecified	188	1.7%	191	1.8%	238	2.2%
TOTAL	10,802	100.0%	10,755	100.0%	10,762	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI-Related Arrests by Age

The youngest arrestee in FY 2017 was 14 years old, and the oldest was 85-87 years of age. Twelve percent of arrestees were under the legal drinking age of 21. Drivers ages 25-36 accounted for 38 percent of all arrests for DUI-related violations.

DUI-Related Arrests by Age	FY 2015		FY 2016		FY 2017	
	Number	Percent	Number	Percent	Number	Percent
Ages 14-20	1,182	10.9%	1,339	12.4%	1,304	12.1%
Ages 21-24	1,700	15.7%	1,774	16.5%	1,623	15.1%
Ages 25-36	4,201	38.9%	4,051	37.7%	4,136	38.4%
Ages 37-48	2,146	19.9%	2,195	20.4%	2,231	20.7%
Ages 49-87	1,573	14.6%	1,396	13.0%	1,468	13.6%
TOTAL	10,802	100.0%	10,755	100.0%	10,762	100.0%

Source: Utah Department of Public Safety, Driver License Division

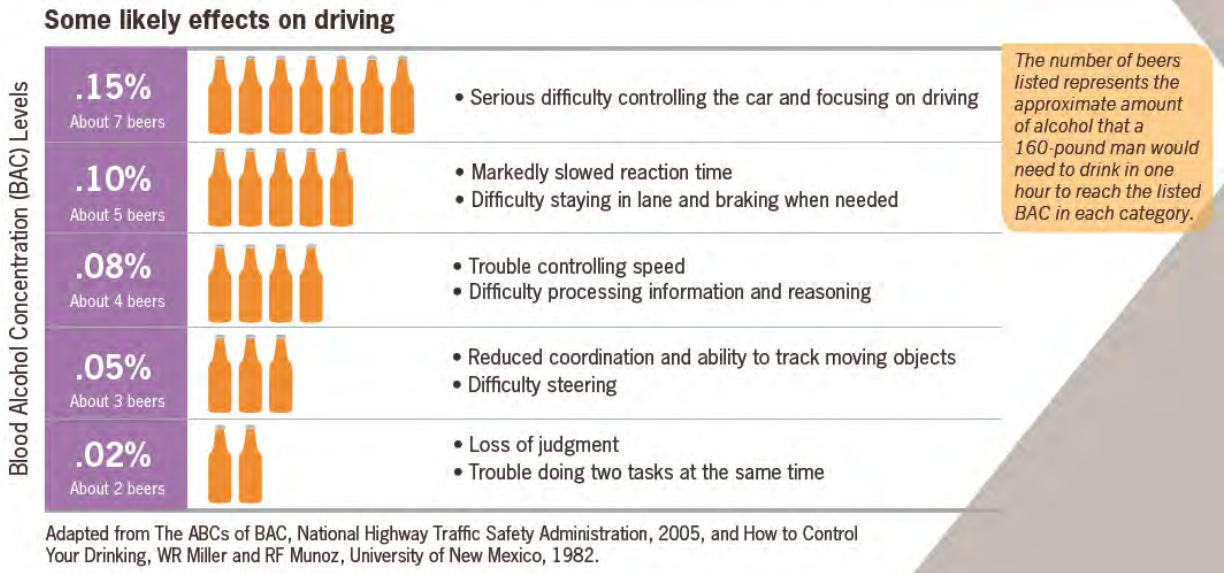
DUI-Related Arrests by Blood/Breath Alcohol Concentration (BAC)

The average BAC in FY 2017, where the test results were reported, was .15 and the median BAC was .14. The highest BAC recorded was .42, *over five times the legal limit!*

DUI-Related Arrests by BAC	FY 2015		FY 2016		FY 2017	
	Number	Percent	Number	Percent	Number	Percent
BAC Result Not Reported*	4,232	39.2%	4,805	44.7%	5,168	48.0%
.00 - .04	165	1.5%	117	1.1%	132	1.2%
.05 - .07	260	2.4%	222	2.1%	228	2.1%
.08 - .10	864	8.0%	770	7.2%	724	6.7%
.11 - .15	1,761	16.3%	1,588	14.8%	1,330	12.4%
.16 - .20	1,293	12.0%	1,129	10.5%	1,032	9.6%
.21 - .25	553	5.1%	505	4.7%	495	4.6%
.26 - .42	302	2.8%	261	2.4%	277	2.6%
Refused BAC Test	1,372	12.7%	1,358	12.6%	1,376	12.8%
TOTAL	10,802	100.0%	10,755	100.0%	10,762	100.0%

Source: Utah Department of Public Safety, Driver License Division
 *Arrestee may have submitted to a blood test, but the Driver License Division never received the results, or this was a DUI/drug-related arrest and there was no BAC.

According to the Centers for Disease Control and Prevention (CDC), to reach a BAC of .15, a 160-pound man would need to consume about seven beers within one hour (see table below).¹



DUI-Related Arrests by Month

As in previous years, DUI-related arrests remained fairly consistent throughout FY 2017, with an average of 897 arrests per month. The highest number of arrests occurred in March (994), with the lowest number of arrests in November (806).

DUI-Related Arrests by Month	FY 2015		FY 2016		FY 2017	
	Number	Percent	Number	Percent	Number	Percent
July	848	7.9%	877	8.2%	969	9.0%
August	998	9.2%	862	8.0%	819	7.6%
September	827	7.7%	768	7.1%	890	8.3%
October	820	7.6%	890	8.3%	938	8.7%
November	1,015	9.4%	931	8.7%	806	7.5%
December	913	8.5%	780	7.3%	877	8.1%
January	1,070	9.9%	914	8.5%	883	8.2%
February	901	8.3%	942	8.8%	863	8.0%
March	992	9.2%	997	9.3%	994	9.2%
April	753	7.0%	902	8.4%	934	8.7%
May	903	8.4%	1,009	9.4%	890	8.3%
June	762	7.1%	883	8.2%	899	8.4%
TOTAL	10,802	100.0%	10,755	100.0%	10,762	100.0%

Source: Utah Department of Public Safety, Driver License Division

¹ Centers for Disease Control and Prevention Vital signs, *Drinking and Driving: A Threat to Everyone*, October 2011.

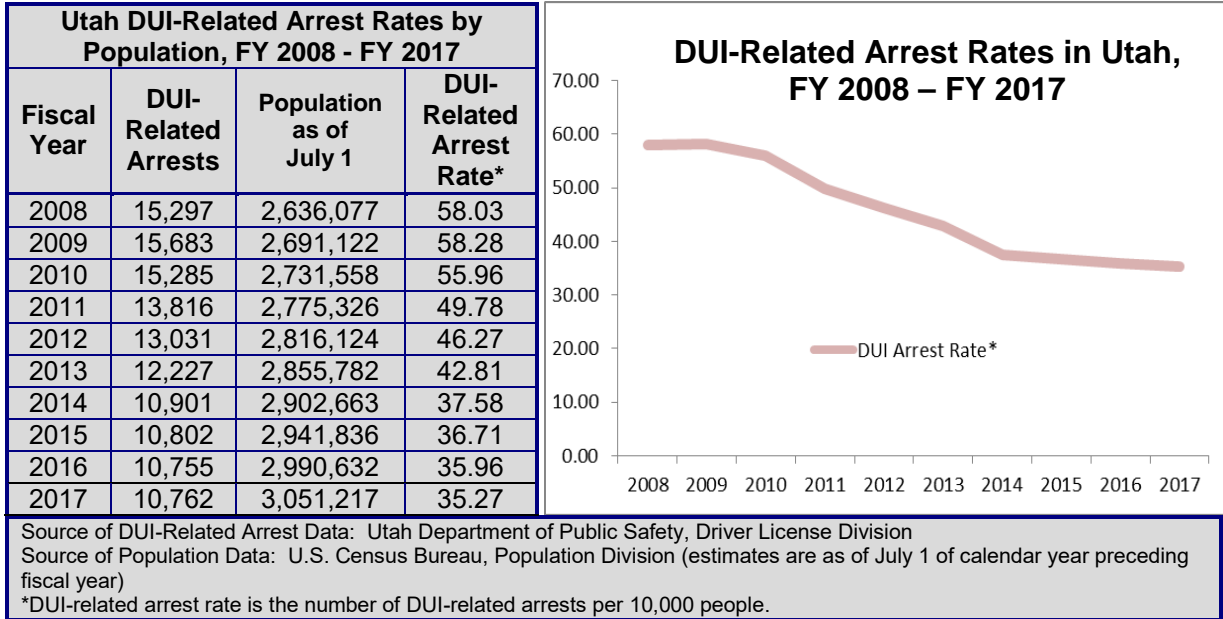
DUI-Related Arrests by County

Consistent with past years, the majority of DUI-related arrests during FY 2017 occurred along the Wasatch Front with Weber, Davis, Salt Lake, and Utah Counties accounting for 72 percent (7,766) of the total. Salt Lake County had the highest number of arrests with 4,263 (39.6%), while Daggett, Piute, and Wayne Counties had the fewest arrests with one each. The table below also compares the percentage of DUI-related arrests to the percentage of both total population and vehicle miles traveled in each county.

County	DUI-Related Arrests FY 2017		July 1, 2016 Utah Population Estimates		Vehicle Miles Traveled Calendar Year 2016	
	Number	Percent	Number	Percent	Number	Percent
Beaver	70	0.65%	6,463	0.21%	302,022,680	0.98%
Box Elder	150	1.39%	53,139	1.74%	1,009,642,458	3.28%
Cache	265	2.46%	122,753	4.02%	996,100,235	3.24%
Carbon	74	0.69%	20,399	0.67%	350,517,918	1.14%
Daggett	1	0.01%	1,095	0.04%	34,688,088	0.11%
Davis	910	8.46%	342,281	11.22%	2,958,308,026	9.61%
Duchesne	89	0.83%	20,337	0.67%	327,555,029	1.06%
Emery	42	0.39%	10,216	0.33%	389,642,855	1.27%
Garfield	19	0.18%	4,986	0.16%	130,135,377	0.42%
Grand	71	0.66%	9,579	0.31%	405,860,282	1.32%
Iron	199	1.85%	49,937	1.64%	834,634,738	2.71%
Juab	106	0.98%	11,010	0.36%	449,324,230	1.46%
Kane	36	0.33%	7,334	0.24%	166,222,940	0.54%
Millard	115	1.07%	12,694	0.42%	564,737,246	1.83%
Morgan	28	0.26%	11,437	0.37%	148,889,806	0.48%
Piute	1	0.01%	1,466	0.05%	32,621,547	0.11%
Rich	5	0.05%	2,319	0.08%	54,963,433	0.18%
Salt Lake	4,263	39.61%	1,121,354	36.75%	9,843,910,618	31.98%
San Juan	53	0.49%	16,895	0.55%	331,430,475	1.08%
Sanpete	79	0.73%	29,409	0.96%	248,128,202	0.81%
Sevier	60	0.56%	21,267	0.70%	366,262,607	1.19%
Summit	209	1.94%	40,307	1.32%	856,810,746	2.78%
Tooele	409	3.80%	64,833	2.12%	902,588,007	2.93%
Uintah	133	1.24%	36,373	1.19%	438,206,845	1.42%
Utah	1,544	14.35%	592,299	19.41%	4,721,897,971	15.34%
Wasatch	289	2.68%	30,528	1.00%	401,768,608	1.31%
Washington	492	4.57%	160,245	5.25%	1,661,091,853	5.40%
Wayne	1	0.01%	2,702	0.09%	54,698,673	0.18%
Weber	1,049	9.75%	247,560	8.11%	1,795,910,140	5.83%
TOTAL	10,762	100.0%	3,051,217	100.00%	30,778,571,633	100.00%
Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division Source for Population Data: U.S. Census Bureau, Population Division Source for Vehicle Miles Traveled: Utah Department of Transportation						

DUI-Related Arrest Rates by Population

The following table and figure illustrate the number of DUI-related arrests made in Utah by fiscal year, compared to the state’s population. While Utah’s population has continued to grow, the arrest rate for DUI-related offenses has declined steadily, with a 39 percent decrease since FY 2009.



Repeat Offenders by Type of DUI-Related Arrest

The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by identifying arrests that occurred in FY 2017 as a starting point, then counting back ten years to determine previous arrests. Each arrest was placed in a column determined by the type of the arrest or violation. Nearly 71 percent of arrests were for a first offense, almost 19 percent were for a second offense, seven percent were for a third offense, and three percent were for a fourth or subsequent offense.

FY 2017 Arrest Type	Per se Alcohol (.08)/ Drug	Refusal of Chemical Test	Not a Drop (< 21)	Drug Metabolite	Commercial Driver (.04)	Unknown (no box marked)	TOTAL	
							Number	Percent
1 st	6,201	841	309	224	18	4	7,597	70.59%
2 nd	1,670	315	16	35	1	4	2,041	18.96%
3 rd	613	147	9	9	0	0	778	7.23%
4 th	191	52	1	0	0	1	245	2.28%
5 th	54	15	0	0	0	0	69	0.64%
6 th	21	6	0	0	0	0	27	0.25%
7 th	4	0	0	0	0	0	4	0.04%
8 th +	1	0	0	0	0	0	1	0.01%
TOTAL	8,755	1,376	335	268	19	9	10,762	100.00%

Source: Utah Department of Public Safety, Driver License Division

DUI-Related Crashes, Injuries and Fatalities

DUI/Alcohol-Related Crashes, Injuries and Fatalities

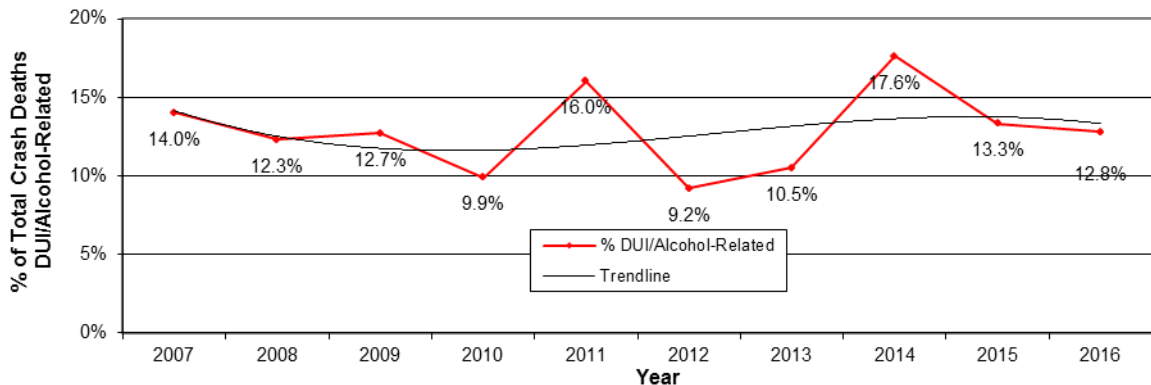
The following table shows the total number of DUI-related vehicle crashes involving alcohol for each calendar year from 2007 to 2016, including the number of persons injured and the number of persons killed as a result of the crashes. The number of crash fatalities involving drivers with a blood alcohol level of .08 or greater decreased by one, from 37 in calendar year 2015 to 36 in calendar year 2016.

DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah, CY 2007-2016									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/Alcohol Crashes*	Percent DUI/Alcohol	Total Injured Persons	DUI/Alcohol Injured Persons	Percent DUI/Alcohol	Total Crash Fatalities	DUI/Alcohol Fatalities**	Percent DUI/Alcohol
2007	61,245	2,718	4.4%	27,420	1,900	6.9%	299	42	14.0%
2008	56,367	2,330	4.1%	24,673	1,596	6.5%	276	34	12.3%
2009	51,367	2,019	3.9%	22,847	1,288	5.6%	244	31	12.7%
2010	49,368	1,723	3.5%	21,675	1,150	5.3%	253	25	9.9%
2011	52,287	1,662	3.2%	22,325	1,019	4.6%	243	39	16.0%
2012	50,600	1,727	3.4%	22,336	1,043	4.7%	217	20	9.2%
2013	55,637	1,736	3.1%	22,740	1,073	4.7%	220	23	10.5%
2014	54,036	2,128	3.9%	23,364	1,377	5.9%	256	45	17.6%
2015	60,012	2,021	3.4%	25,332	1,207	4.8%	278	37	13.3%
2016	62,471	1,970	3.2%	26,738	1,220	4.6%	281	36	12.8%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/alcohol-related crashes include only those incidents that involved alcohol.
 **DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$.

The figure below illustrates the trend in Utah’s DUI/alcohol-related crash fatalities over the past decade, from calendar years 2007 through 2016.

Percentage of Total Crash Fatalities That Were DUI/Alcohol-Related in Utah, Calendar Years 2007-2016



Source: Utah Department of Public Safety, Highway Safety Office

DUI/Alcohol-Related Fatalities by Population and Vehicle Miles Traveled

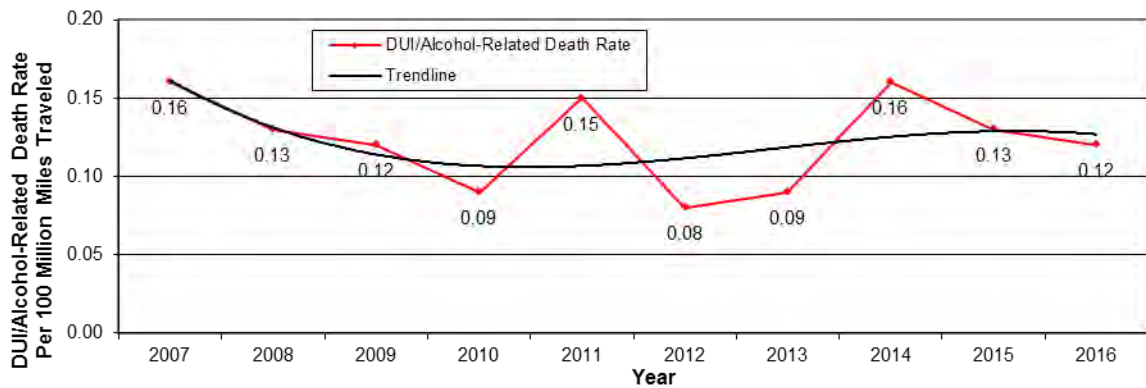
The following table shows the rates of DUI/Alcohol-related fatalities per 10,000 population and per 100 million vehicle miles traveled in Utah, for calendar years 2007 through 2016. From CY 2015 to CY 2016, the fatality rate remained the same for population and decreased slightly for vehicle miles traveled.

Calendar Year	Rates of DUI/Alcohol-Related Fatalities per 10,000 Population and 100 Million Vehicle Miles Traveled in Utah, Calendar Years 2007-2016				
	DUI/Alcohol-Related Fatalities*	DUI/Alcohol-Related Fatality Rates per 10,000 Population		DUI/Alcohol-Related Fatality Rates per 100 Million Vehicle Miles Traveled	
		Population as of July 1	Rate	Vehicle Miles Traveled	Rate
2007	42	2,636,077	0.16	26,824,244,333	0.16
2008	34	2,691,122	0.13	25,883,467,343	0.13
2009	31	2,731,558	0.11	26,217,108,843	0.12
2010	25	2,775,326	0.09	26,617,169,711	0.09
2011	39	2,816,124	0.14	26,379,900,505	0.15
2012	20	2,855,782	0.07	26,637,413,207	0.08
2013	23	2,902,663	0.08	27,014,745,900	0.09
2014	45	2,941,836	0.15	27,574,227,734	0.16
2015	37	2,990,632	0.12	29,393,158,598	0.13
2016	36	3,051,217	0.12	30,778,571,633	0.12

Source: Utah Department of Public Safety, Highway Safety Office
 * DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$.

The figure below illustrates the rates of DUI/Alcohol-related fatalities in Utah for calendar years 2007 through 2016, per 100 million vehicle miles traveled. From CY 2015 to CY 2016, the DUI/Alcohol-related fatality rate per 100 million vehicle miles traveled decreased slightly, from 0.13 to 0.12.

Rates of DUI/Alcohol-Related Fatalities in Utah, Per 100 Million Vehicle Miles Traveled, Calendar Years 2007-2016



Source: Utah Department of Public Safety, Highway Safety Office

DUI/Drug-Related Crashes, Injuries and Fatalities

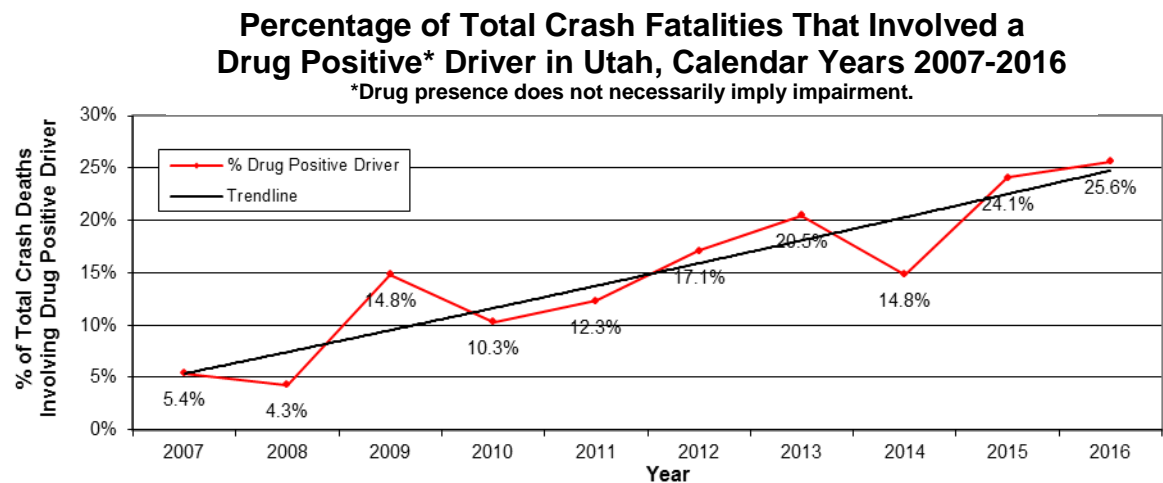
The following table shows the number of vehicle crashes, injuries and fatalities involving drugs (no alcohol or BAC less than .08). The most common drugs found in fatal drug-related crashes in CY 2016 were Marijuana/THC, Methamphetamine, depressants and narcotics. The number of drug-related crashes increased from 701 in CY 2015 to 792 in CY 2016, a nearly 13 percent increase. In addition, the number of fatalities involving a drug positive driver increased seven percent, from 67 in CY 2015 to 72 in CY 2016, the highest number in the past ten years and representing one quarter of all crash fatalities in CY 2016.

DUI/Drug-Related Crashes, Injuries and Fatalities in Utah, CY 2007-2016									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/Drug-Related Crashes*	Percent DUI/Drug-Related	Total Injured Persons	DUI/Drug-Related Injured Persons	Percent DUI/Drug-Related	Total Crash Fatalities	Drug-Positive Driver Fatalities**	Percent Drug-Positive Related
2007	61,245	158	0.3%	27,420	113	0.4%	299	16	5.4%
2008	56,367	565	1.0%	24,673	428	1.7%	276	12	4.3%
2009	51,367	547	1.1%	22,847	443	1.9%	244	36	14.8%
2010	49,368	525	1.1%	21,675	382	1.8%	253	26	10.3%
2011	52,287	603	1.1%	22,325	388	1.7%	243	30	12.3%
2012	50,600	548	1.1%	22,336	383	1.7%	217	37	17.1%
2013	55,637	567	1.0%	22,740	393	1.7%	220	45	20.5%
2014	54,036	320	0.6%	23,364	660	2.8%	256	38	14.8%
2015	60,012	701	1.2%	25,332	459	1.8%	278	67	24.1%
2016	62,471	792	1.3%	26,738	513	1.9%	281	72	25.6%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.
 **DUI/drug-related fatalities include only drivers who tested positive for drugs and had a BAC of < .08.

Note: Drug presence does not necessarily imply impairment. For many drug types, drug presence can be detected long after any impairment that might affect driving has passed. Also, whereas the impairment effects for various concentration levels of alcohol is well understood, little evidence is available to link concentrations of other drug types to driver performance.

The figure below illustrates the trend in Utah’s crash fatalities involving drug positive drivers from calendar years 2007 through 2016.



Source: Utah Department of Public Safety, Highway Safety Office

Adjudications
& Sanctions

3

Adjudications and Sanctions

DUI-related offenses are classified either as misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense. In general, first and second DUI offenses (within 10 years) are classified as class B misdemeanors. A first or second DUI offense (within 10 years) is classified as a class A misdemeanor if it involves bodily injury, a passenger who is under 16 years of age, or a passenger under 18 years of age if the driver is 21 or older. A DUI offense is classified as a third degree felony if it is a third or subsequent offense within 10 years, if it involves serious bodily injury, or if the person has any prior felony DUI conviction or automobile homicide conviction.

The Justice Courts, which are established by municipalities and counties, handle offenses classified as class B misdemeanors, class C misdemeanors, violations of local ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice Court jurisdictions are determined by the boundaries of the local government entities (e.g., city or county), which hire the judges.

Utah’s District Courts are the state trial courts of general jurisdiction. These courts have original jurisdiction to try all civil cases, all criminal felonies, and misdemeanors in certain circumstances. DUI offenses classified as class A misdemeanors and felonies are under the jurisdiction of the state’s District Courts.

Justice Court DUI-Related Data

As shown in the table below, Utah’s Justice Courts disposed 8,674 DUI-related cases during FY 2017, 324 more than in FY 2016.

DUI-Related Cases in Utah’s Justice Courts	FY 2015	FY 2016	FY 2017	% Change FY 16 – FY 17
Justice Court Cases Disposed	8,383	8,350	8,674	+3.9%

Justice Court DUI-Related Cases and Outcomes

The table below shows case outcomes by County for the 8,674 DUI-related cases disposed by Utah’s Justice Courts during FY 2017. Seventy-eight percent of the cases resulted in a guilty plea or verdict, and the defendant was found not guilty in only 20 cases. Twenty-one percent of the cases were dismissed. This table is not a depiction of the District Courts’ actual conviction rate, however, as it includes only those cases that were disposed during FY 2017. Pending cases were not included.

County	FY 2017 Justice Court DUI-Related Outcomes by County									
	Deceased	Declined Prosecution	Dismissed	Diversion	Guilty	No Contest	Not Guilty	Plea in abeyance	Transferred	Totals
Beaver	0	2	2	0	47	1	0	0	0	52
Box Elder	3	0	33	0	93	7	0	2	0	138
Cache	1	0	41	0	157	4	0	2	0	205
Carbon	0	0	14	0	41	0	0	1	0	56
Daggett	0	0	0	0	2	0	0	0	0	2
Davis	1	10	122	0	392	15	0	4	0	544
Duchesne	1	0	10	0	18	0	0	0	0	29
Emery	0	0	6	0	27	0	0	0	0	33
Garfield	1	0	2	0	11	0	0	0	0	14
Grand	1	1	14	0	31	0	0	0	0	47
Iron	0	1	17	0	162	13	5	1	0	199
Juab	1	0	10	0	78	4	0	0	3	96
Kane	0	3	30	0	25	0	0	0	0	58
Millard	0	1	16	0	46	1	0	15	0	79
Morgan	1	1	5	0	15	0	0	0	0	22
Piute	0	0	1	0	3	1	0	0	0	5
Rich	0	0	2	0	3	0	0	0	0	5
Salt Lake	14	7	880	0	2,702	61	10	7	0	3,681
San Juan	0	0	7	0	40	1	0	2	0	50
Sanpete	0	0	11	0	34	7	0	0	0	52
Sevier	0	0	29	0	62	10	0	5	0	106
Summit	0	1	26	0	146	4	0	4	0	181
Tooele	2	5	96	0	239	3	0	6	1	352
Uintah	0	2	15	0	85	0	0	0	0	102
Utah	5	3	224	0	775	94	4	10	0	1,115
Wasatch	2	3	59	1	110	30	0	44	0	249
Washington	1	15	48	0	292	28	1	5	0	390
Wayne	0	0	0	0	1	0	0	0	0	1
Weber	0	1	98	0	665	41	0	6	0	811
Totals	34	56	1,818	1	6,302	325	20	114	4	8,674
Percent	0.39%	0.65%	20.96%	0.01%	72.65%	3.75%	0.23%	1.31%	0.05%	100.00%

Justice Court Data for DUI-Related Repeat Offenders

The Justice Courts also track how repeat offenders are handled. In the table on the following page, which includes data for fiscal years 2015, 2016 and 2017, the first column shows if the offender was charged as a first-time offender or a repeat offender.

The second column indicates how many of those in the first column actually met that criterion. The last column shows how the offender was sentenced. In FY 2017 for example, about 21 percent of offenders were charged with a second offense, 21 percent were actually second-time offenders, and 20 percent were sentenced as second-time offenders. Discrepancies between charges and sentencing are not unusual. An offender’s sentence is dependent upon the conviction, which may or may not be the same as the offense charged due to plea bargains or court procedural issues.

Justice Court Data for DUI-Related Repeat Offenders, Fiscal Years 2015-2017²									
Offense	Offense Was Charged As			Offense Was Actually			Offense Was Sentenced As		
	FY 15	FY 16	FY 17	FY 15	FY 16	FY 17	FY 15	FY 16	FY 17
1 st Offense	84.9%	77.5%	78.8%	81.8%	73.4%	78.9%	84.2%	75.9%	79.7%
2 nd Offense	14.1%	21.7%	21.2%	17.2%	25.2%	21.1%	15.6%	23.8%	20.3%
3 rd Offense	0.5%	0.5%	0.0%	0.8%	1.2%	0.0%	0.1%	0.3%	0.0%
4 th Offense	0.2%	0.1%	0.0%	0.1%	0.2%	0.0%	0.0%	0.1%	0.0%
5 th + Offense	0.3%	0.2%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: Utah Administrative Office of the Courts

Justice Court DUI-Related Case Information and Sanctions

Additional DUI-related case information collected by the Justice Courts is shown in the table below. The table includes data for those Justice Courts in the Courts Information System (CORIS). The data indicate in FY 2017 judges ordered offenders to complete an educational series in 3,223 cases, ordered substance use disorder treatment in 2,856 cases, and that ignition interlock devices were ordered in 1,131 cases.

Justice Court DUI-Related Case Information and Sanctions	FY 2015	FY 2016	FY 2017
Number of Justice Courts Providing Data	119	115	116
Blood/Breath Alcohol Content (BAC) Known	4,431	4,449	4,672
Substance Use Disorder Screening and Assessment	4,517	4,309	4,621
Substance Use Disorder Treatment Ordered	2,747	2,663	2,856
Educational Series Ordered	3,480	3,419	3,223
Ignition Interlock Ordered	914	1,014	1,131
Supervised (Non-Court) Probation	2,386	2,521	2,703
Electronic Monitoring	333	334	397
Enhancement Notification	5,891	5,939	6,331

Source: Utah Administrative Office of the Courts

² The cases in the table represent only those for which the number of the offense was known. In addition, the following cases were not included: bail forfeiture, deceased, declined, dismissed, not guilty, remanded, and transferred.

District Court DUI-Related Data

As shown in the table below, Utah’s District Courts disposed 3,243 DUI-related cases during FY 2017, 299 more than in FY 2016.

DUI-Related Cases in Utah’s District Courts	FY 2015	FY 2016	FY 2017	% Change FY 16 – FY 17
District Court Cases Disposed	2,982	2,944	3,243	+10.2%

Source: Utah Administrative Office of the Courts

District Court DUI-Related Case Outcomes

The table below shows case outcomes by Judicial District for the 3,243 DUI-related cases disposed by Utah’s eight District Courts during FY 2017. Seventy-one percent of the cases resulted in a guilty plea or verdict, and the defendant was found not guilty in only three cases. Nearly 23 percent of the cases were dismissed. This table is not a depiction of the District Courts’ actual conviction rate, however, as it includes only those cases that were disposed during FY 2017. Pending cases were not included.

FY 2017 District Court DUI-Related Case Outcomes by Judicial District										
DUI-Related Case Outcomes	Judicial District								Total	Percent
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th		
Deceased	1	3	4	8	0	1	0	0	17	0.5%
Declined Prosecution	0	1	8	0	0	0	1	0	10	0.3%
Dismissed	43	62	394	146	28	27	20	23	743	22.9%
Diversion	0	0	1	0	0	0	0	0	1	<0.1%
Guilty	163	420	661	566	170	93	46	89	2,208	68.1%
No Contest	2	1	2	73	4	2	2	3	89	2.7%
Not Guilty	0	0	3	0	0	0	0	0	3	0.1%
Plea in Abeyance	2	0	0	11	1	5	1	1	21	0.6%
Remanded	6	5	20	14	5	0	1	0	51	1.6%
Transferred	0	1	41	57	0	0	0	1	100	3.1%
TOTAL	217	493	1,134	875	208	128	71	117	3,243	100.0%

Source: Utah Administrative Office of the Courts

District Court Data for DUI-Related Repeat Offenders

The District Courts also track how repeat offenders are handled. In the table on the following page, which includes data for fiscal years 2015, 2016 and 2017, the first column shows if the offender was charged as a first-time offender or a repeat offender. The second column indicates how many of those in the first column actually met that criterion. The last column shows how the offender was sentenced. In FY 2017 for example, 12 percent of offenders were charged with a second offense, while 14 percent were actually second-time offenders, and 15 percent were sentenced as second-time offenders. Discrepancies between charges and sentencing are not unusual. An offender’s sentence is dependent upon the conviction, which may or may not be the same as the offense charged due to plea bargains or court procedural issues.

District Court Data for DUI-Related Repeat Offenders, Fiscal Years 2015-2017³									
Offense	Offense Was Charged As			Offense Was Actually			Offense Was Sentenced As		
	FY 15	FY 16	FY 17	FY 15	FY 16	FY 17	FY 15	FY 16	FY 17
1 st Offense	59%	55%	57%	52%	48%	52%	58%	52%	54%
2 nd Offense	17%	16%	12%	22%	21%	14%	19%	21%	15%
3 rd Offense	20%	24%	26%	20%	25%	23%	18%	23%	24%
4 th Offense	3%	3%	4%	4%	4%	7%	3%	3%	4%
5 th + Offense	1%	1%	2%	2%	2%	4%	1%	1%	2%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Utah Administrative Office of the Courts

District Court DUI-Related Case Information and Sanctions

Other DUI-related case information, including sanctions ordered, is also collected by the District Courts. The table below includes the FY 2017 data for those cases where the values were known. The table shows judges ordered offenders to complete an educational series in 401 cases, ordered substance use disorder treatment in 1,214 cases, and that ignition interlock devices were ordered in 380 cases.

District Court DUI-Related Case Information and Sanctions	FY 2015	FY 2016	FY 2017
Blood/Breath Alcohol Content (BAC) Known	669	709	738
Substance Use Disorder Screening and Assessment	980	1,046	1,001
Substance Use Disorder Treatment Ordered	1,009	1,251	1,214
Educational Series Ordered	388	383	401
Ignition Interlock Ordered	348	422	380
Supervised (Non-Court) Probation	1,347	1,476	1,465
Electronic Monitoring	201	223	231
Enhancement Notification	100%	100%	100%

Source: Utah Administrative Office of the Courts

The DUI Sentencing Matrix included at the end of this report provides detailed information regarding DUI-related offense classifications and sanctions.

³ The cases in the table represent only those for which the number of the offense was known. In addition, the following cases were not included: bail forfeiture, deceased, declined, dismissed, not guilty, remanded, and transferred.



Driver License Control

The Department of Public Safety’s Driver License Division is required to suspend or revoke the license of a person who has been convicted or sanctioned for the following:

- Driving under the influence of alcohol and/or other drugs
- Driving with any measurable controlled substance or metabolite in the body
- Not a Drop violation (persons under 21 years of age)
- Refusal to submit to a chemical test
- Automobile homicide
- “No-alcohol” conditional license
- Alcohol restricted driver (ARD) violation
- Interlock restricted driver (IRD) conviction

Driver License Hearing Statistics

When a driver is arrested for a DUI-related offense, the license is taken and a 30-day temporary license is issued. Drivers may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within the 30-day period of the temporary license. As shown in the table below, there were 4,422 requested alcohol hearings held in FY 2017. The Division is unable to take any action against a driver if the arresting officer does not appear at the hearing. To improve appearance rates, the Division offers a telephonic option whereby officers or offenders can phone in for the hearing. In 3,112 of the cases, at least one of the parties called in for the hearing.

ACD Code	Total # of Hearings	No Officer/ No Action	Other No Action	Total No Action	Total Telephonic
Per Se Alcohol/Drug	3,722	1,032	426	1,458	2,602
Not a Drop (< 21)	94	20	11	31	66
Refusal of Chemical Test	606	166	49	215	444
TOTAL	4,422	1,218	486	1,704	3,112

Source: Utah Department of Public Safety, Driver License Division

Screening, Assessment, Education and Treatment

Screening and Assessment

As part of any sentence for a DUI-related offense, Utah law requires offenders to participate in a screening and, if indicated by the screening, an assessment. A screening involves gathering information that is used to determine if an individual has a problem with alcohol and/or other drugs, and if so, whether an in-depth clinical assessment is appropriate. An assessment is a collection of detailed information concerning the individual’s alcohol and/or other drug use, emotional and physical health, social roles, and other relevant areas of the individual’s life. The assessment is used to determine the need for substance use disorder treatment.⁴ The following table shows the orders for substance use disorder screening and assessment by the District and Justice Courts in FY 2017, for those cases where the values were known.

Substance Use Disorder Screening and Assessment Ordered by the Courts	FY 2015	FY 2016	FY 2017
Justice Courts	4,517	4,309	4,621
District Courts	980	1,046	1,001

Source: Utah Administrative Office of the Courts

Education

For a first DUI-related offense and for a second offense within 10 years, the sentence must include participation in an educational series if the court does not order treatment. The purpose of DUI education is to “address any problems or risk factors that appear to

⁴ Center for Substance Abuse Treatment, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, Treatment Improvement Protocol (TIP) Series, #7.

be related to use of alcohol and other drugs and attempt to help the individual recognize the harmful consequences of inappropriate use, with special emphasis placed on the dangers of drinking and driving.”⁵ Utah DUI offenders sentenced to an educational series attend the PRIME For Life® (PFL) program developed by the Prevention Research Institute (PRI). “PRIME For Life® is a motivational intervention that provides education and strategies for individuals who have experienced problems due to high-risk alcohol or drug use. PFL is an interactive experience designed to motivate and guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support those low-risk choices. The program provides research-based, low-risk guidelines and assists participants in making choices to best protect what they value.”⁶

The following table shows the orders for the educational series by the Justice and District Courts in FY 2017, for those cases where values were known.

Educational Series Ordered by the Courts	FY 2015	FY 2016	FY 2017
Justice Courts	3,480	3,419	3,223
District Courts	388	383	401

Source: Utah Administrative Office of the Courts

Treatment

For a first and second DUI-related offense, the court *may* order treatment; for a third or subsequent offense within 10 years, the court *must* order substance use disorder treatment. “Treatment involves the application of planned procedures to identify and change patterns of behavior that are maladaptive, destructive, and/or injurious to health; or to restore appropriate levels of physical, psychological and/or social functioning. Offenders assessed as meeting the diagnostic criteria for a substance use disorder should participate in a treatment program in addition to, or in lieu of, the educational course.”⁷ Treatment should address both alcohol and other substance use disorders. The level of treatment needed (e.g., day treatment, outpatient, intensive outpatient, residential) is determined by the assessment on the basis of the severity of the substance use disorder. The table below shows the orders for substance use disorder treatment by the Justice and District Courts in FY 2017, for those cases where the values were known.

Substance Use Disorder Treatment Ordered by the Courts	FY 2015	FY 2016	FY 2017
Justice Court	2,747	2,663	2,856
District Court	1,009	1,251	1,214

Source: Utah Administrative Office of the Courts

⁵ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

⁶Stafford, P., Beadnell, B., Rosengren, D.B., Carter-Lunceford, C., & Huynh, H. (2012, April). *PRIME For Life UTAH 2011 Evaluation Report Executive Summary*. Lexington, KY: Prevention Research Institute.

⁷ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.



Impaired Driving Media Campaign
6

Utah's Impaired Driving Media Campaign

The Utah Department of Public Safety's Highway Safety Office conducts a statewide mass media campaign that supports planned DUI saturation patrols, melding its message into these successful, high visibility enforcement efforts. The primary goal of this media campaign is to reduce the incidence of impaired driving in Utah by raising awareness of the dangers of driving under the influence. The campaign focuses on community mobilization, bringing together law enforcement, businesses, and community officials to share the prevention message and curb impaired driving. The campaign also aims to educate Utah's citizens about DUI, one of America's most often committed and deadliest crimes. <http://drivesober.org/>



Labor Day 2016 partnership with UBER



Law enforcement teaming up for St. Patrick's Day and March Madness



Billboard



Holiday season partnership with the Department of Alcoholic Beverage Control

UTAH DUI SENTENCING MATRIX

(Current as of July 1, 2017)

Court-Ordered Sentencing	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	
CLASSIFICATION (§41-6a-503)	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> • if bodily injury¹ • if passenger is under 16 • if passenger is under 18 and driver is 21 or older 	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> • if bodily injury¹ • if passenger under 16 • if passenger is under 18 and driver is 21 or older 	THIRD DEGREE FELONY <ul style="list-style-type: none"> • if third or subsequent offense within 10 years • if serious bodily injury¹ • if any prior felony DUI conviction or automobile homicide¹ conviction
Jail (§41-6a-505)	SHALL order: 48 consecutive hours OR 48 hours compensatory service	SHALL order: 240 hours (10 days) OR 120 hours (5 days) AND 720 consecutive hours (30 days) electronic home confinement ² that includes substance abuse testing	SHALL order: 0-5 year prison term OR 1,500 hours jail (62.5 days)
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$50 court security fee	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$50 court security fee	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$50 court security fee, unless a 0-5 prison term is imposed
Screening, Assessment, Educational Series, Treatment, Supervised Probation³ and 24-7 Sobriety Program⁴ (§41-6a-505) (§41-6a-507)	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment (if found appropriate by screening) • Educational series, unless treatment is ordered MAY order: <ul style="list-style-type: none"> • Supervised probation • Treatment, if appropriate • 24-7 sobriety program • Combination of probation, treatment and/or 24-7 sobriety program 	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment (if found appropriate by screening) • Educational series, unless treatment is ordered MAY order: <ul style="list-style-type: none"> • Supervised probation • Treatment, if appropriate • 24-7 sobriety program • Combination of treatment and 24-7 sobriety program 	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment • Treatment as appropriate, unless 0-5 prison term is imposed • Supervised probation, unless 0-5 prison term is not imposed MAY order: <ul style="list-style-type: none"> • 24-7 sobriety program
Ignition Interlock⁵ (§41-6a-518) (§41-6a-530)	MAY order: <ul style="list-style-type: none"> • Ignition interlock SHALL order: <ul style="list-style-type: none"> • Interlock if under 21 • Interlock for an ARD⁶ violation OR describe on the record why such order not appropriate 	SHALL order: <ul style="list-style-type: none"> • Ignition interlock SHALL order: <ul style="list-style-type: none"> • Interlock if under 21 • Interlock for an ARD⁶ violation OR describe on the record why such order not appropriate 	SHALL order: <ul style="list-style-type: none"> • Ignition interlock SHALL order: <ul style="list-style-type: none"> • Interlock if under 21 • Interlock for an ARD⁶ violation OR describe on the record why such order not appropriate
High BAC (.16 or higher) (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> • Supervised probation • Treatment and interlock and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement OR describe on the record why such order(s) not appropriate 	SHALL order: <ul style="list-style-type: none"> • Supervised probation • Treatment and interlock and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement OR describe on the record why such order(s) not appropriate 	SHALL order: <ul style="list-style-type: none"> • Supervised probation if 0-5 prison term is not imposed • Treatment and interlock and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement OR describe on the record why such order(s) not appropriate
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years

¹ A person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury or death, whether or not the injuries arise from the same episode of driving.

² See §41-6a-506 for electronic home confinement provisions.

³ Supervised probation is also required for all violations of §41-6a-517 (driving with any measurable controlled substance or metabolite in the body).

⁴ Persons must be 21 years of age or older to participate in a 24-7 sobriety program.

⁵ Adoption of the ignition interlock restricted driver (IRD) provision (§41-6a-518.2) does not change the obligation of judges to impose interlock as a condition of probation.

⁶ ARD = Alcohol Restricted Driver.

The following statutory provisions also apply to DUI offenders, although they do not require a court order. Failure to comply carries additional criminal sanctions.

Statutory Provisions	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSES WITHIN 10 YEARS
Driver License Denial, Suspension, or Revocation		
Driving Under the Influence/ DUI Conviction (§41-6a-509)	<p>If 21 or older: 120 days</p> <p>If 19-20: Longer of one year or until 21st birthday</p> <p>If under 19: Until 21st birthday</p> <p>Early License Reinstatement for Drivers Under 21: Court may order shortening of the suspension period after 6 months if the person completes a screening; completes an assessment if appropriate; completes an education series or substance abuse treatment, as deemed appropriate by the court; has not been convicted of a violation of a motor vehicle law during the suspension period; has complied with all terms of probation or all court orders if not ordered to probation; and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period.</p>	<p>If 21 or older: 2 years</p> <p>If 19-20: Longer of 2 years or until 21st birthday</p> <p>If under 19: Until 21st birthday</p>
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	<p>If 21 or older: 120 days</p> <p>If 19-20: Longer of one year or until 21st birthday</p> <p>If under 19: Until 21st birthday</p> <p>Early License Reinstatement for Drivers Under 21: Same as above, but sworn statement must include the person has not consumed a controlled substance not prescribed by a practitioner during the suspension period.</p>	<p>If 21 or older: 2 years</p> <p>If 19-20: Longer of two years or until 21st birthday</p> <p>If under 19: Until 21st birthday</p>
Refusal of Chemical Test (§41-6a-521)	<p>If 21 or older: 18 months</p> <p>If under 21: Longer of 2 years or until 21st birthday</p>	<p>If 21 or older: 36 months</p> <p>If under 21: Longer of 36 months or until 21st birthday</p>
Per se Arrest (§53-3-223) <small>≥ .08 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system</small>	<p>If 21 or older: 120 days</p> <p>If under 21: 6 months</p>	<p>If 21 or older: 2 years</p> <p>If under 21: Longer of 2 years or until 21st birthday</p>
Not A Drop (§53-3-231) <small>A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body</small>	<p>If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months</p>	<p>If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday</p>
Failure to Install or Removal of Ignition Interlock Device (§53-3-1007)	<p>An individual who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an ignition interlock device installed in their vehicle. If the interlock device is removed prior to the ending date of the interlock restriction period, the driver license shall be re-suspended until an ignition interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.</p>	
Other Sanctions		
IRD – Interlock Restricted Driver (§41-6a-518.2) <small>An "interlock restricted driver" may not operate a motor vehicle without an ignition interlock system.</small>	<ul style="list-style-type: none"> • 18 months IRD for 1st DUI (§41-6a-502) if over 21 • 3 years IRD for 1st Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-521), or 1st DUI (§41-6a-502) if under 21 • 3 years IRD for a combination of two of the following within 10 years: DUI (§41-6a-502), Refusal to Submit to Chemical Test (§41-6a-521), Controlled Substance/Metabolite (§41-6a-517), Alcohol-Related Reckless (§41-6a-512 – <i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), Driving with Controlled Substance/Bodily Injury or Death (§58-37-8(2)(g)), or Automobile Homicide (§76-5-207) • 6 years IRD for Felony DUI (§41-6a-502) • 10 years IRD for Automobile Homicide (§76-5-207) <p><small>Note: If all offenses are for Controlled Substance/Metabolite convictions, IRD does not apply.</small></p>	
ARD – Alcohol Restricted Driver (§41-6a-529) <small>An "alcohol restricted driver" may not operate or be in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the person's body.</small>	<ul style="list-style-type: none"> • 2 years ARD for 1st DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5) • 2 years ARD for any Per se offense (§53-3-223) • 3 years ARD for any driving without an IID if an IRD (§41-6a-518.2) or driving with alcohol in body if an ARD (§41-6a-530) offense • 5 years ARD for 1st Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502) • 10 years ARD for 2nd offense, if 2nd offense is DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), or Refusal to Submit to Chemical Test (§41-6a-521); and 1st offense is DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5) • Lifetime ARD for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207) <p><small>Note: If Per se is drug only or metabolite, ARD does not apply.</small></p>	



CCJJ
Utah State Capitol Complex
Senate Office Building – Suite 330
P.O. Box 142330
Salt Lake City, Utah 84114-2330
Phone: 801-538-1031 • Fax: 801-538-1024
<https://justice.utah.gov>