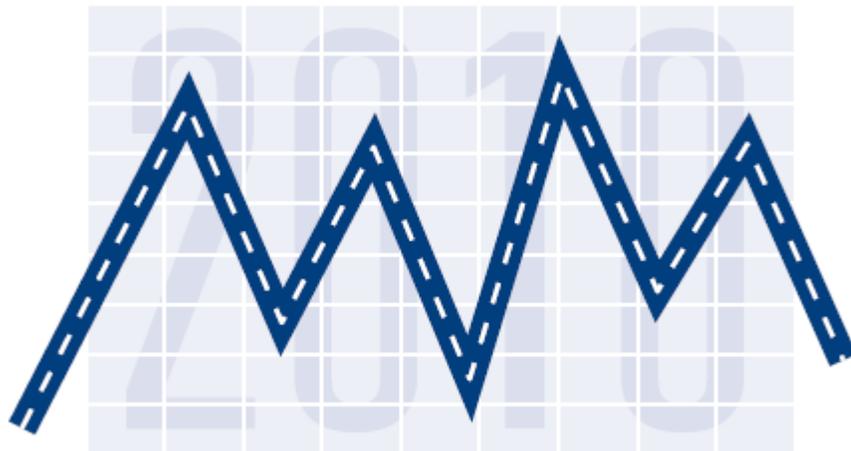


UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Eighth Annual DUI Report to the Utah Legislature



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Acknowledgements

The Utah Commission on Criminal and Juvenile Justice acknowledges the contributions of the Utah Substance Abuse and Anti-Violence (USAAV) Coordinating Council, specifically the Council's DUI Committee chaired by Anna Kay Waddoups.

Also contributing to this report are the Utah Administrative Office of the Courts and the Utah Department of Public Safety, including the Highway Patrol, Bureau of Criminal Identification, Driver License Division and Highway Safety Office.

Special thanks to Marty Asay, Paul Boyden, George Braden, Art Brown, Kim Gibb, Ron Gordon, Laurie Gustin, Jennifer Hemenway, Judy Jackson, Sandi Johnson, Gary Mower, Teri Pectol, Ben Peterson, Jacey Skinner, Monica Taylor, Sgt. Ted Tingey and David Walsh for their assistance in preparing this report.

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Statistical Note: Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.

Executive Summary

DUI in Utah FY 2010

DUI-Related Fatalities Decreased in CY 2009

- DUI-related fatalities in Utah decreased from 34 in CY 2008 to 31 in CY 2009.
- In CY 2009, Utah had the lowest rate of DUI-related fatalities in the nation at 16.4 percent. The national average was 32.1 percent.

Law Enforcement: Arrests

- There were 15,285 DUI arrests in FY 2010, 398 fewer than in the previous year. The majority of the arrests, 82 percent, were for violation of the .08 blood/breath alcohol concentration (BAC) per se statute.
- Half of all DUI arrests were made by municipal law enforcement agencies.
- Seventy-five percent of DUI drivers were male.
- Nine percent of arrestees were under the legal drinking age of 21. DUI drivers ages 25 through 36 accounted for nearly 39 percent of all arrests.
- The majority of DUI arrests occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for 73 percent of the total arrests.
- The average BAC was .14, with the highest at .40, *five times* the legal limit!

- Approximately 67 percent of arrests were for a first DUI offense, nearly 22 percent were for a second offense, seven percent were for a third offense, and four percent were for a fourth or subsequent offense.

Courts: Adjudications and Sanctions

- Of the total of 13,501 DUI cases handled by Utah's courts in FY 2010, Justice Courts handled the majority with 11,405 (85%), and District Courts handled 2,096 (15%).
- Seventy-seven percent of District Court DUI cases and 56 percent of Justice Court DUI cases resolved in FY 2010 resulted in a guilty plea or verdict.
- Justice Court judges ordered offenders to participate in an educational series in 2,155 cases, ordered offenders into substance abuse treatment in 1,585 cases, and ordered ignition interlock devices in 915 cases.
- District Court judges ordered offenders to participate in an educational series in 419 cases, ordered offenders into substance abuse treatment in 648 cases, and ordered ignition interlock devices in 293 cases.
- The average jail sentence for a DUI offense was 154 days and the average fine for a DUI conviction was \$1,490.

Driver License Control

- The Driver License Division conducted 5,256 hearings in FY 2010 to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.
- In 2,885 cases, either the arresting officer or the DUI offender used the telephonic option to call in for the driver license hearing.

Introduction

Julio Cesar Calderon, 24, wanted to show off his uncle's restored 1976 Chevy Caprice. On June 25, 2010, he was drinking at a party at his mother-in-law's home in the Rose Park area of Salt Lake County, and even though he smelled of alcohol and had difficulty walking and speaking, he convinced two friends, who had also been drinking, to ride in the car with him. With Antonio Amador Solares and Fabian Montelongo in the car, Calderon rounded a curve on 300 North and 1460 West in excess of 50 miles per hour. The car hit a curb and crashed through a tree in a parking strip, breaking the tree in half. The car then vaulted into the air and crashed into another tree on the parking strip, finally coming to a stop. Passenger Solares, 17, died on impact; Montelongo, 19, suffered serious injuries and was taken to the hospital.

Following the crash, Montelongo called a friend at the party the three men had just left. Calderon's wife, brother-in-law, and mother-in-law arrived at the accident scene before police or medical personnel. Calderon's mother-in-law then drove Calderon back to her home where he washed his bloody clothing and took a shower. Calderon's wife and brother-in-law remained at the scene and told police that Antonio Solares, who had died in the crash, was the driver.



Calderon later admitted to police that he was the driver in the fatal crash. He said his relatives knew he was the driver, but told police Solares was driving "because he [Calderon] had a family and he could not go to jail." Calderon has been charged with automobile homicide, a second degree felony, and with obstruction of justice, a third degree felony. Calderon's wife and mother-in-law have also been charged with obstructing justice.

Information for this story was obtained from the probable cause statement provided by the Salt Lake County District Attorney's Office.

Purpose of the Report

The *Eighth Annual Driving Under the Influence 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;
 - drivers' license control; and
 - alcohol education, assessment, and treatment.

2010 DUI and Related Legislation



The following bills and one appropriation were passed by the Utah Legislature in the 2010 General Session:

S.B. 91 Prosecutor Appeals *Senator Daniel R. Liljenquist*

Provides that the standard for a de novo review in district court on a pretrial order excluding evidence in a justice court for an infraction or class C misdemeanor is that the prosecutor certifies that exclusion of the evidence prevents continued prosecution.

Provides that the standard for a de novo review in district court on a pretrial order excluding evidence in a justice court for a class B misdemeanor is that the prosecutor certifies that exclusion of the evidence impairs continued prosecution.

Provides that a notice of appeal for a hearing de novo in the district court on a pretrial order excluding evidence shall be filed within 30 days of the justice court order excluding the evidence.

H.B. 36 Controlled Substance Database – Reporting Convictions for Driving Under the Influence or Impaired Driving *Representative Bradley M. Daw*

Requires a court to report certain information to the Division of Occupational and professional Licensing (DOPL) when a person is convicted of driving under the influence or of impaired driving, if there is evidence that the person's driving was under the influence of, or impaired by, a prescribed controlled substance.

Requires that, when DOPL receives a report described in the preceding paragraph, DOPL must notify each practitioner who may have written a prescription for the controlled substance of the conviction and certain information relating to the conviction.

Requires DOPL to increase the licensing fee for manufacturing, producing, distributing, dispensing, administering, or conducting research to pay the startup and ongoing costs of DOPL for complying with the requirements of the preceding paragraph.

H.B. 250 Criminal Penalties Amendments – Leaving the Scene of an Accident

Representative Christopher N. Herrod

Defines serious bodily injury as “bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty”.

Increases the penalty from a class A misdemeanor to a third degree felony for a person who violates the requirement to stop the vehicle at the scene of an accident and remain at the scene of the accident until the operator has fulfilled certain requirements if the accident resulted in serious bodily injury or death of a person and regardless of whether the person has previously been convicted of certain violations.

H.J.R. 22 Joint Resolution Recognizing the 75th Anniversary of the Utah Highway Patrol

Representative Don L. Ipson

Recognizes the 75th anniversary of the Utah Highway Patrol and its continued exceptional service to the state of Utah and its motoring public.

Appropriation

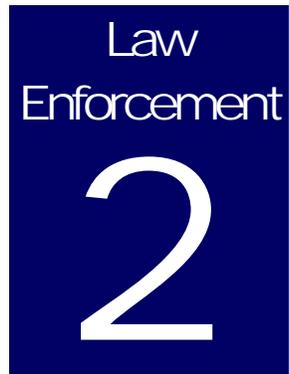
Alcoholic Beverage Enforcement and Treatment Restricted Account

The 2010 Legislature appropriated \$5,622,600 to the Alcoholic Beverage Enforcement and Treatment Restricted Account (§32A-1-115) for FY 2010-2011. Funding from this account is distributed on a formula basis to Utah’s municipalities and counties to be used for one or more of the following purposes: (1) DUI law enforcement, (2) general alcohol-related law enforcement, (3) prosecution/court costs for alcohol-related cases, (4) treatment of alcohol problems, (5) alcohol-related education/prevention, and (6) confinement of alcohol law offenders.

2010 USAAV DUI Committee

The Utah Substance Abuse Advisory Council's DUI Committee members represent state and local agencies and organizations dealing with the DUI issue in Utah. With the support and action of the Utah Legislature and other key leaders and policymakers, during FY 2010 the Committee continued its work to strengthen Utah's ability to effectively address the DUI problem.

Anna Kay Waddoups Citizen Member and Chair	
Senator Stuart Adams	Senator <i>Utah State Senate</i>
David Beach	Director, Highway Safety Office <i>Utah Department of Public Safety</i>
Edward Berkovich	Traffic Safety Resource Prosecutor <i>Utah Prosecution Council</i>
Bart Blackstock	Citizen Member and Former Deputy Director Driver License Division, <i>Department of Public Safety</i>
Paul Boyden, Vice Chair	Executive Director <i>Statewide Association of Prosecutors</i>
Neil Cohen	Compliance Officer <i>Utah Department of Alcoholic Beverage Control</i>
Patty Fox	Post-Trial Services Program Manager <i>Salt Lake County Criminal Justice Services</i>
Colonel Daniel Fuhr	Superintendent, Utah Highway Patrol <i>Utah Department of Public Safety</i>
Kim Gibb	Bureau Chief, Driver License Division <i>Utah Department of Public Safety</i>
Chief Wayne Hansen	Farmington Police Department <i>Utah Chiefs of Police Association</i>
Gail Johnson	Educational Specialist for Driver Education <i>Utah State Office of Education</i>
Teri Pectol	Program Manager, Highway Safety Office <i>Utah Department of Public Safety</i>
Richard Schwermer	Assistant State Court Administrator <i>Administrative Office of the Courts</i>
Sheriff Kirk Smith	Washington County Sheriff's Office <i>Utah Sheriffs Association</i>
Holly Watson	Substance Abuse Education Program Manager <i>Utah Division of Substance Abuse and Mental Health</i>
Mary Lou Emerson <i>Director, USAAV Council</i>	Judy Jackson and Monica Taylor <i>Administrative Assistants, USAAV/CCJJ</i>



Law Enforcement

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI arrests. In FY 2010, Utah law enforcement officers made 15,285 DUI arrests, 398 fewer than in the previous year.

DUI Arrests

DUI Arrests by Violation Type

As illustrated in the following table, the distribution of DUI arrests by type of violation in FY 2010 was very similar to previous years. The majority of the arrests, 82 percent, were for violations of the per se law, for driving at or above the legal blood/breath alcohol concentration level of .08. Eleven percent of arrests were for refusal to submit to a chemical test. Under Utah law, any person who operates a motor vehicle is considered to have given consent to tests of breath, blood, urine, or oral fluids for the purpose of determining whether they are driving in violation of the DUI laws. Refusal may result in revocation of the driver license and prohibition of driving without an ignition interlock device. It is also illegal to drive with any measurable controlled substance or metabolite in one's body, which accounted for one 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 five percent of the arrests. The fewest arrests were of commercial drivers exceeding the .04 limit, which represented only 0.1 percent of the total.

DUI Arrests by Violation Type	FY 2008		FY 2009		FY 2010	
	Number	Percent	Number	Percent	Number	Percent
Per se Alcohol (.08)	12,368	80.9%	12,705	81.0%	12,559	82.2%
Refusal of Chemical Test	1,802	11.8%	1,872	11.9%	1,704	11.1%
Not a Drop (< 21)	902	5.9%	877	5.6%	834	5.5%
Drug or Metabolite	195	1.3%	205	1.3%	174	1.1%
Commercial Driver (.04)	30	0.2%	24	0.2%	14	0.1%
TOTAL	15,297	100.0%	15,683	100.0%	15,285	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in FY 2010 included those that occurred as a result of specialized DUI overtime enforcement events targeted at removing drivers under the influence of alcohol and/or other drugs from Utah’s roads. A portion of the DUI impound fees collected was specifically designated to fund the overtime shifts. During FY 2010, 91 law enforcement agencies throughout the state participated in overtime events, including local police agencies, sheriffs’ offices, the Utah Highway Patrol, Motor Vehicle Enforcement, the Utah Attorney General’s Office, and Utah Parks & Recreation.

The table below shows the measures associated with DUI overtime enforcement events in FY 2010. Of the total 1,053 DUI arrests, 840 were for alcohol, 133 were for other drugs, and 80 were for metabolite.

Statewide DUI Overtime Enforcement Events	FY 2008	FY 2009	FY 2010	Percent Change FY 09 – FY 10
5-Hour Shifts Worked	1,956	2,180	2,235	+2.5%
Vehicles Stopped	14,867	19,233	22,340	+16.2%
DUI Arrests	1,286	1,232	1,053	-14.5%
Vehicles Impounded	1,206	1,173	961	-18.1%
Alcohol-Related Arrests*	747	742	616	-17.0%
Drug-Related Arrests**	460	440	461	+4.8%
Warrants Served	429	544	427	-21.5%
Other Warnings/Citations	15,942	17,199	17,883	+4.0%

Source: Utah Department of Public Safety, Highway Safety Office
 *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 Arrests by Agency Type

Nearly half of all arrests in FY 2010 were made by municipal law enforcement agencies, with the Utah Highway Patrol responsible for 36 percent of arrests, and sheriffs’ offices responsible for 14 percent of DUI arrests.

DUI Arrests by Agency Type	FY 2008		FY 2009		FY 2010	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs’ Offices	2,728	17.8%	2,576	16.4%	2,143	14.0%
City Police/Other	8,805	57.6%	8,733	55.7%	7,617	49.8%
Highway Patrol	3,764	24.6%	4,374	27.9%	5,525	36.1%
TOTAL	15,297	100.0%	15,683	100.0%	15,285	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Gender

The table on the following page shows the proportions of male and female arrestees have remained fairly consistent over the past three years, although the proportion of females arrested for DUI appears to be increasing. In FY 2010, nearly 75 percent of arrestees were male and 25 percent were female.

DUI Arrests by Gender	FY 2008		FY 2009		FY 2010	
	Number	Percent	Number	Percent	Number	Percent
Male	11,965	78.2%	11,972	76.3%	11,402	74.6%
Female	3,272	21.4%	3,653	23.3%	3,815	25.0%
Unspecified	60	0.4%	58	0.4%	68	0.4%
TOTAL	15,297	100.0%	15,683	100.0%	15,285	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Age

The youngest DUI driver in FY 2010 was 15 years old, and the oldest was over 90 years old. About nine percent of arrestees were under the legal drinking age of 21. Drivers from 25 to 36 years of age accounted for nearly 39 percent of all arrests.

DUI Arrests by Age	FY 2008		FY 2009		FY 2010	
	Number	Percent	Number	Percent	Number	Percent
Unknown	2	< 0.1%	1	< 0.1%	1	< 0.1%
15-20	1,612	10.5%	1,556	9.9%	1,457	9.5%
21-24	2,887	18.9%	2,894	18.5%	2,853	18.7%
25-36	5,882	38.5%	6,087	38.8%	5,922	38.7%
37-48	3,132	20.5%	3,255	20.8%	3,049	19.9%
49-93	1,782	11.6%	1,890	12.1%	2,003	13.1%
TOTAL	15,297	100.0%	15,683	100.0%	15,285	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Month

As in previous years, DUI arrests remained fairly consistent throughout FY 2010, with an average arrest rate of 1,274 per month. The highest number of arrests occurred in March (1,396), with the lowest number of arrests in April (1,171).

DUI Arrests by Month	FY 2008		FY 2009		FY 2010	
	Number	Percent	Number	Percent	Number	Percent
July	1,302	8.5%	1,230	7.8%	1,239	8.1%
August	1,312	8.6%	1,539	9.8%	1,318	8.6%
September	1,353	8.8%	1,469	9.4%	1,380	9.0%
October	1,242	8.1%	1,263	8.1%	1,264	8.3%
November	1,270	8.3%	1,395	8.9%	1,272	8.3%
December	1,307	8.5%	1,207	7.7%	1,178	7.7%
January	1,139	7.4%	1,361	8.7%	1,251	8.2%
February	1,176	7.7%	1,220	7.8%	1,214	7.9%
March	1,370	9.0%	1,286	8.2%	1,396	9.1%
April	1,245	8.1%	1,201	7.7%	1,171	7.7%
May	1,314	8.6%	1,397	8.9%	1,391	9.1%
June	1,267	8.3%	1,115	7.1%	1,211	7.9%
TOTAL	15,297	100.0%	15,683	100.0%	15,285	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by County

Consistent with past years, the majority of DUI arrests during FY 2010 occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for nearly 73 percent (11,179) of the total. Salt Lake County had the highest number of arrests with 6,749 (44%), while Rich County had the fewest arrests with six (< 0.1%). The table below also compares the percentage of DUI arrests to the percentage of both total population and vehicle miles traveled in each county.

County	DUI Arrests FY 2010		Population Estimate July 1, 2009		Vehicle Miles Traveled Calendar Year 2009	
	Number	Percent	Number	Percent	Number	Percent
Beaver	88	0.6%	6,576	0.2%	248,115,514	0.9%
Box Elder	176	1.2%	49,421	1.8%	917,671,498	3.5%
Cache	415	2.7%	114,276	4.1%	861,094,707	3.3%
Carbon	186	1.2%	19,768	0.7%	298,141,117	1.1%
Daggett	7	< 0.1%	988	< 0.1%	30,873,135	0.1%
Davis	1,355	8.9%	307,656	11.0%	2,702,081,954	10.3%
Duchesne	125	0.8%	17,368	0.6%	228,926,743	0.9%
Emery	99	0.6%	10,848	0.4%	326,440,398	1.2%
Garfield	52	0.3%	5,149	0.2%	118,254,762	0.5%
Grand	120	0.8%	9,493	0.3%	341,154,838	1.3%
Iron	314	2.1%	46,825	1.7%	702,216,514	2.7%
Juab	115	0.8%	10,191	0.4%	384,655,938	1.5%
Kane	70	0.5%	6,740	0.2%	142,718,355	0.5%
Millard	80	0.5%	13,702	0.5%	455,391,362	1.7%
Morgan	36	0.2%	9,947	0.4%	134,143,043	0.5%
Piute	7	< 0.1%	1,479	0.1%	30,475,040	0.1%
Rich	6	< 0.1%	2,329	0.1%	48,524,322	0.2%
Salt Lake	6,749	44.2%	1,042,125	37.2%	8,518,653,933	32.5%
San Juan	142	0.9%	15,643	0.6%	288,251,457	1.1%
Sanpete	69	0.5%	27,646	1.0%	217,721,175	0.8%
Sevier	158	1.0%	20,773	0.7%	341,143,192	1.3%
Summit	369	2.4%	40,451	1.4%	710,815,253	2.7%
Tooele	405	2.6%	59,117	2.1%	831,306,456	3.2%
Uintah	310	2.0%	31,291	1.1%	355,502,991	1.4%
Utah	1,842	12.1%	531,442	19.0%	3,652,018,328	13.9%
Wasatch	124	0.8%	23,428	0.8%	304,798,580	1.2%
Washington	625	4.1%	145,466	5.2%	1,362,778,935	5.2%
Wayne	8	0.1%	2,692	0.1%	41,024,805	0.2%
Weber	1,233	8.1%	227,259	8.1%	1,622,214,496	6.2%
TOTAL	15,285	100.0%	2,800,089	100.0%	26,217,108,843	100.0%

Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division
 Source for Population Data: Governor's Office of Planning and Budget, Demographic and Economic Analysis Section
 Source for Vehicle Miles Traveled: Utah Department of Transportation

DUI Arrests by Blood/Breath Alcohol Concentration (BAC)

The average BAC remained at .14 during FY 2010, with the highest BAC recorded at .40, five times the legal limit!

DUI Arrests by BAC	FY 2008		FY 2009		FY 2010	
	Number	Percent	Number	Percent	Number	Percent
BAC Results Not Reported	3,536	23.1%	3,712	23.7%	4,153	27.2%
.01 - .07	982	6.4%	1,064	6.8%	898	5.9%
.08 - .10	1,617	10.6%	1,600	10.2%	1,635	10.7%
.11 - .15	3,072	20.1%	3,100	19.8%	2,923	19.1%
.16 - .20	2,129	13.9%	2,240	14.3%	1,967	12.9%
.21 - .25	935	6.1%	931	5.9%	806	5.3%
.26 - .40	357	2.3%	363	2.3%	317	2.1%
Refused BAC Test	1,815	11.9%	1,875	12.0%	1,698	11.1%
No Test/Unknown	607	4.0%	519	3.3%	597	3.9%
Drug Only	247	1.6%	279	1.8%	291	1.9%
TOTAL	15,297	100.0%	15,683	100.0%	15,285	100.0%

Source: Utah Department of Public Safety, Driver License Division

Repeat DUI Offenders by Type of Arrest

The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by selecting offenders arrested in FY 2010 as a starting point, then counting back ten years to determine previous arrests. Each offender was placed in a column determined by the type of the most recent arrest. About 67 percent of arrests were for a first offense, 22 percent were for a second offense, seven percent were for a third offense, and four percent were for a fourth or subsequent offense. The total number of arrests reflected in this table is fewer than the total arrests for FY 2010 because each offender was counted only once, although the offender may have been arrested more than one time during the fiscal year.

FY 2010 Arrest Type Offense	Per se Alcohol (.08)	Refusal of Chemical Test	Not a Drop (< 21)	Drug or Metabolite	Commercial Driver (.04)	TOTAL	
						Number	Percent
1 st	8,157	923	358	144	11	9,593	67.4%
2 nd	2,260	404	392	21	1	3,078	21.6%
3 rd	776	172	39	4	1	992	7.0%
4 th	291	80	18	1	1	391	2.7%
5 th	80	27	2	0	0	109	0.8%
6 th	39	12	1	0	0	52	0.4%
7 th	9	2	1	0	0	12	0.1%
8 th	2	2	0	0	0	4	< 0.1%
9 th	1	2	0	0	0	3	< 0.1%
10 th - 14 th	3	0	0	0	0	3	< 0.1%
TOTAL	11,618	1,624	811	170	14	14,237	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI-Related Crashes, Injuries and Fatalities

The following table shows the total number of DUI-related vehicle crashes for each calendar year from 2000 to 2009, including the number of persons injured and the number of persons killed as a result of the crashes. The number of DUI-related fatalities in Utah decreased from 34 in CY 2008 to 31 in CY 2009. According to the National Highway Traffic Safety Administration (NHTSA), whose figures differ somewhat from Utah's because they utilize imputations in their calculations when the driver's BAC is unknown, in CY 2009 Utah had the **lowest rate** of DUI-related fatalities in the nation at 16.4 percent. The national average was 32.1 percent.

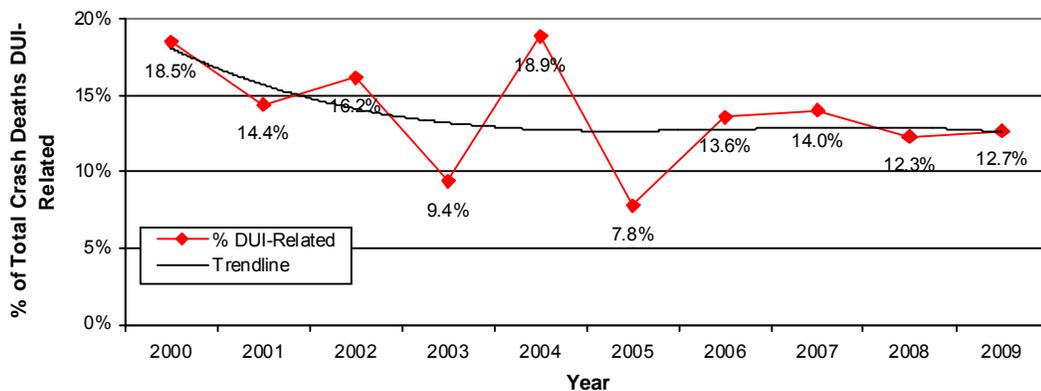
Calendar Year	DUI-Related Crashes, Injuries and Fatalities in Utah, 2000-2009						
	Total DUI-Related Crashes*	Injuries			Fatalities		
		Total Injured Persons	DUI-Related Injured Persons	Percent DUI-Related	Total Crash Fatalities	DUI-Related Fatalities*	Percent DUI-Related
2000	2,162	30,086	1,846	6.1%	373	69	18.5%
2001	2,122	29,375	1,764	6.0%	291	42	14.4%
2002	2,088	30,433	1,685	5.5%	328	53	16.2%
2003	1,952	28,352	1,360	4.8%	309	29	9.4%
2004	1,948	29,638	1,570	5.3%	296	56	18.9%
2005	1,977	29,221	1,398	4.8%	282	22	7.8%
2006	2,488	27,433	1,844	6.7%	287	39	13.6%
2007	2,718	27,420	1,900	6.9%	299	42	14.0%
2008	2,330	24,673	1,596	6.5%	276	34	12.3%
2009	Not Available	Not Available			244	31	12.7%

Source: Utah Department of Public Safety, Highway Safety Office

*DUI-related crashes include only those incidents that involved alcohol. DUI-related fatalities include only drivers with a BAC of $\geq .08$.

The figure below illustrates the DUI-related crash fatality data in the table above for Utah, from 2000 to 2009.

Percentage of Total Crash Fatalities That Were DUI-Related in Utah, 2000-2009



Source: Utah Department of Public Safety, Highway Safety Office

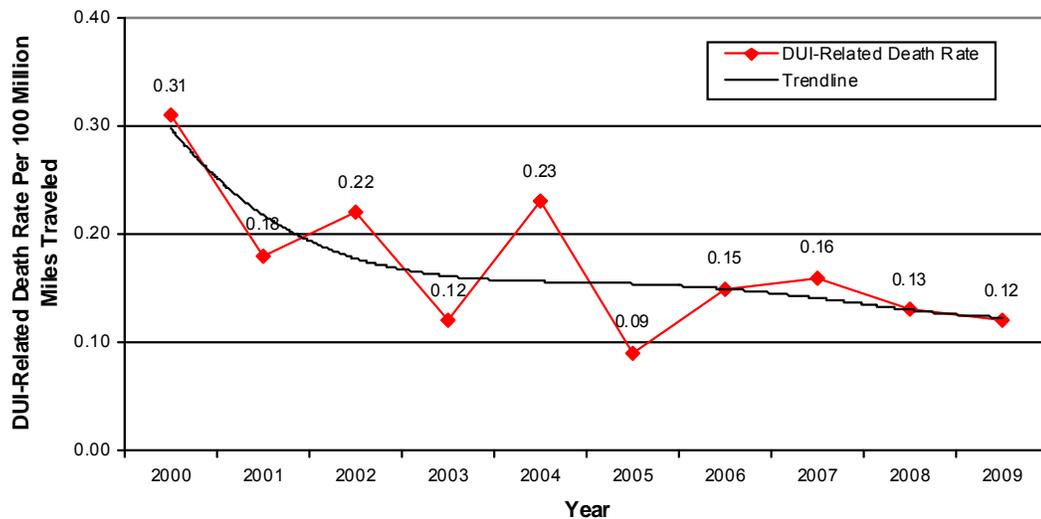
Rates of DUI-Related Fatalities by Population and Vehicle Miles Traveled
 The following table shows the rates of DUI-related fatalities per 10,000 population and per 100 million vehicle miles traveled in Utah, from 2000 to 2009.

Calendar Year	Rates of DUI-Related Fatalities per 10,000 Population and 100 Million Vehicle Miles Traveled in Utah, 2000-2009				
	DUI-Related Fatalities*	DUI-Related Fatality Rates per 10,000 Population		DUI-Related Fatality Rates per 100 Million Vehicle Miles Traveled	
		Population	Rate	Vehicle Miles Traveled	Rate
2000	69	2,246,553	0.31	22,501,719,290	0.31
2001	42	2,305,652	0.18	23,382,719,060	0.18
2002	53	2,358,330	0.22	24,422,264,975	0.22
2003	29	2,413,618	0.12	23,946,840,430	0.12
2004	56	2,469,230	0.23	24,624,791,795	0.23
2005	22	2,547,389	0.09	25,129,538,952	0.09
2006	39	2,615,129	0.15	26,166,885,473	0.15
2007	42	2,699,554	0.16	26,824,244,333	0.16
2008	34	2,757,779	0.12	25,883,467,343	0.13
2009	31	2,800,089	0.11	26,217,108,843	0.12

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

The figure below illustrates the rate of DUI-related fatalities in Utah from 2000 to 2009, per 100 million vehicle miles traveled.

Rate Per 100 Million Vehicle Miles Traveled of DUI-Related Fatalities in Utah, 2000-2009



Source: Utah Department of Public Safety, Highway Safety Office

Day and Hour of Alcohol-Impaired Driver Crashes

The Utah Highway Safety Office reports in calendar year 2008 the highest percentage of alcohol-impaired driver total crashes (24%) and fatal crashes (28%) occurred on Saturday. Alcohol-impaired driver total crashes peaked in the evening and early morning hours, between 5:00 p.m. and 2:59 a.m. Fatal alcohol-impaired driver crashes varied by hour and peaked at 9:00 p.m. and 2:00 a.m.

Use of State Beer Tax Funds for DUI Law Enforcement

The state’s beer tax funds are used to support DUI enforcement, as well as other alcohol-related enforcement, education/prevention and treatment activities. For FY 2010, the Legislature appropriated \$5,622,600 to be distributed from the *Alcoholic Beverage Enforcement and Treatment Restricted Account* (§32A-1-115) to municipalities and counties statewide on a formula basis.¹ Funds may be spent in one or more of six general categories: (1) DUI law enforcement, (2) general alcohol-related law enforcement, (3) prosecution/court costs for alcohol-related cases, (4) treatment of alcohol problems, (5) alcohol-related education/prevention, and (6) confinement of alcohol law offenders. Municipalities and counties receiving more than \$1,000 in beer tax revenues are required to submit an Annual Report to the Utah Substance Abuse and Anti-Violence Coordinating Council by October 1st of each year, outlining how funds were utilized, whether the programs or projects funded were effective, and certifying the funds were used in accordance with the law. Municipalities and counties that do not submit their reports by the deadline forfeit their alcohol funds for the current fiscal year and these funds are then allocated to other entities, in accordance with the statute.

The following table shows how FY 2010 funds were utilized, as reported in the Alcohol Funds Annual Reports received to date.

FY 2010 Alcohol Funds Reports How Funds Were Used As of October 11, 2010	Number of Municipalities and Counties (N = 162)	Percent²
DUI Law Enforcement	82	50.6%
General Alcohol-Related Law Enforcement	80	49.4%
Prosecution/Court Costs for Alcohol-Related Cases	42	25.9%
Treatment of Alcohol Problems	4	2.5%
Alcohol-Related Education/Prevention	63	38.9%
Confinement of Alcohol Law Offenders	13	8.0%

Source: Utah Substance Abuse Advisory Council, FY 2010 Alcohol Funds Annual Reports

¹ In accordance with §32A-1-115 (UCA), the State Tax Commission distributes funds to municipalities and counties in December of each year based upon the following formula: percentage of state population (25%); percentage of statewide convictions for all alcohol-related offenses (30%); percentage of all state stores, package agencies, liquor licensees, and beer licensees (20%); and for confinement and treatment purposes (for alcohol-related offenses) based upon the percentage of the state population (25% to counties only).

² Recipients may use alcohol funds for more than one of the six categories outlined in the statute.

Adjudications
& Sanctions

3

Adjudications and Sanctions

DUI offenses are classified either as misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense. Misdemeanor cases are handled in Justice Courts, which are sponsored by municipalities and counties. Felony cases and cases not referred to the Justice Courts are handled in state District Courts. Of the 13,501 DUI cases that went to court during FY 2010, District Courts handled 2,096 (15 percent) and Justice Courts handled 11,405 (85 percent). The number of DUI cases disposed in the state’s District Courts and the number of DUI cases charged in the Justice Courts both decreased from FY 2009 to FY 2010.

DUI Cases in Utah’s Courts	FY 2008	FY 2009	FY 2010	% Change FY 09 – FY 10
District Court Cases Disposed	2,052	2,266	2,096	-7.5%
Justice Court Charges	11,229	12,002	11,405	-5.0%
Total DUI Cases	13,281	14,268	13,501	-5.4%

Source: Utah Administrative Office of the Courts

Justice Court DUI Data

Justice Court DUI Charges and Outcomes

During FY 2010, Utah’s Justice Courts handled 11,405 DUI cases, 597 fewer than in FY 2009. The following table details the DUI cases filed in Justice Courts and their outcomes. This table does not represent the actual DUI conviction rate for the Justice Courts, however, as it includes cases filed in FY 2009 that were not resolved until FY 2010. In addition, 2,712 cases were still pending resolution at the close of FY 2010.

Justice Court DUI Charges and Outcomes	FY 2008		FY 2009		FY 2010		% Change FY 09 – FY 10
	Number	Percent	Number	Percent	Number	Percent	
Total DUI Charges Filed	11,229	100.0%	12,002	100.0%	11,405	100.0%	-5.0%
Guilty	6,681	59.5%	7,121	59.3%	6,371	55.9%	-10.5%
Dismissed or Not Guilty	2,587	23.0%	2,384	19.9%	2,322	20.3%	-2.6%
Cases Pending	1,961	17.5%	2,497	20.8%	2,712	23.8%	+8.6%

Source: Utah Administrative Office of the Courts

Justice Court DUI Sanctions

The Justice Courts also track other DUI-related case information such as blood/breath alcohol content (BAC) reported; screening, assessment and treatment ordered; and ignition interlock ordered. The table below includes data for those Justice Courts reporting to the Department of Public Safety’s Bureau of Criminal Identification. The numbers reflect only those dispositions loaded into the Criminal History Repository, and do not include those in the suspense file. The data indicate in 3,382 cases the blood/breath alcohol content was known. The table further shows judges ordered offenders to participate in an educational series in 2,155 cases, substance abuse treatment in 1,585 cases, and that ignition interlock devices were ordered in 915 cases.

Justice Court DUI Sanctions	FY 2008	FY 2009	FY 2010
Number of Justice Courts Providing Data	88	113	119
Blood/Breath Alcohol Content Known	1,672	2,708	3,382
Substance Abuse Screening and Assessment Ordered	1,104	1,953	2,414
Substance Abuse Treatment Ordered	819	1,291	1,585
Educational Series Ordered	1,058	1,782	2,155
Ignition Interlock Ordered	358	853	915
Supervised (Non-Court) Probation	1,244	2,312	3,082
Electronic Monitoring	36	131	121
Enhancement Notification	1,278	2,184	2,400

Source: Utah Department of Public Safety, Bureau of Criminal Identification

District Court DUI Data

District Court DUI Case Outcomes

The table below shows case outcomes by Judicial District for the 2,096 DUI cases processed by Utah’s eight District Courts during FY 2010

FY 2010 District Court DUI Case Outcomes										
DUI Case Outcomes	Judicial District								Total	Percent
	1st	2nd	3rd	4th	5th	6th	7th	8th		
Deceased	0	0	0	3	0	0	0	2	5	0.2%
Declined Prosecution	0	0	0	0	1	1	0	0	2	0.1%
Dismissed	59	64	80	47	21	23	14	11	319	15.2%
Diversion	0	0	0	0	0	0	0	0	0	0.0%
Guilty	111	344	434	391	121	46	77	87	1,611	76.9%
No Contest	1	2	2	22	1	3	3	1	35	1.7%
Not Guilty	2	0	1	0	1	0	1	0	5	0.2%
Plea in Abeyance	0	3	0	2	2	1	2	5	15	0.7%
Remanded	0	1	34	4	1	1	2	0	43	2.1%
Transferred	1	5	7	43	0	1	1	3	61	2.9%
TOTAL	174	419	558	512	148	76	100	109	2,096	100.0%

Source: Utah Administrative Office of the Courts

About 77 percent of the cases resulted in a guilty plea or verdict. The defendant was found not guilty in only five cases. In 15 percent of the cases, the case was either dismissed or declined for prosecution. It should be noted that this table is not a depiction of the District Courts' actual DUI conviction rates, as it only examined cases that were disposed of during FY 2010. Pending cases were not included in the data analysis.

District Court Repeat DUI Offender Data

The District Courts also track how repeat DUI offenders are handled. In the table below, which includes data for Fiscal Year 2008 through Fiscal Year 2010, 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 2010 for example, 27 percent of DUI offenders were charged with a third offense, while 22 percent were actually third-time offenders, and 23 percent were sentenced as third-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 Repeat DUI Offender Data for Fiscal Years 2008-2010³									
Offense	Offense Was Charged As			Offense Was Actually			Offense Was Sentenced As		
	FY 08	FY 09	FY 10	FY 08	FY 09	FY 10	FY 08	FY 09	FY 10
1 st Offense	48%	53%	53%	46%	53%	50%	50%	54%	56%
2 nd Offense	18%	18%	17%	23%	23%	21%	21%	20%	19%
3 rd Offense	30%	26%	27%	22%	17%	22%	24%	22%	23%
4 th Offense	2%	2%	1%	4%	3%	4%	3%	2%	1%
5 th to 10 th Offense	2%	1%	1%	5%	4%	3%	2%	2%	1%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Utah Administrative Office of the Courts

District Court DUI Sanctions

The District Courts track DUI-related case information regarding sanctions ordered as well. The table on the following page includes the FY 2010 data for those cases where the values were known. The table shows judges ordered offenders to participate in an educational series in 419 cases, ordered substance abuse treatment in 648 cases, and that ignition interlock devices were ordered in 293 cases. DUI offenders were notified 100 percent of the time that they may be subject to enhancements.

³ The cases in the table represent only those for which the number of the offense was known; in FY 2008, FY 2009 and FY 2010, the number was unknown in a large number of cases. In addition, the following cases were not included: bail forfeiture, deceased, declined, dismissed, not guilty, remanded, and transferred.

District Court DUI Sanctions	FY 2008	FY 2009	FY 2010
Blood/Breath Alcohol Content Known	603	590	560
Substance Abuse Screening and Assessment Ordered	646	693	686
Substance Abuse Treatment Ordered	633	698	648
Educational Series Ordered	417	459	419
Ignition Interlock Ordered	353	312	293
Supervised (Non-Court) Probation	711	851	786
Electronic Monitoring	174	128	122
Enhancement Notification	100%	100%	100%
Source: Utah Administrative Office of the Courts			

Other DUI Sanctions

The Driver License Division tracks other DUI sanctions. The following table lists the average sanctions applied against DUI offenders. Not all offenders are ordered to serve a jail sentence or perform community service hours, however, all convicted DUI offenders are assessed a fine and a surcharge. For a first offense the minimum fine is \$700, for a second offense within 10 years the minimum fine is \$800, and for a third or subsequent offense the minimum fine is \$1,500.

Average Jail Sentence, Community Service Hours and Fines	FY 2008	FY 2009	FY 2010
Average Jail Sentence	146 days	151 days	154 days
Average Fine for DUI Convictions	\$1,488.50	\$1,467.63	\$1,490.30
Average Fine for Other Alcohol/ Drug Related Convictions	\$1,213.52	\$1,280.12	\$1,400.92
Source: Utah Department of Public Safety, Driver License Division			



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
- Driving with any measurable controlled substance or metabolite in the body
- Refusal to submit to a chemical test
- Automobile homicide
- “No-alcohol” conditional license
- Alcohol restricted driver (ARD) violation
- Interlock restricted driver (IRD) conviction

Alcohol Hearing Statistics

When a driver is arrested for DUI, 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 5,256 alcohol hearings held in FY 2010. 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 2,885 cases, one of the parties called in for the hearing.

FY 2010 Alcohol Hearing Statistics						
ACD Code	Total # of Hearings	No Officer	No Officer Telephonic	Other No Action	Total No Action	Total Telephonic
Per Se	4,402	761	101	811	1,673	2,412
Not a Drop	256	39	2	19	60	125
Refusal	598	83	16	51	150	348
TOTAL	5,256	883	119	881	1,883	2,885

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 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 drug abuse, 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 abuse, 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 abuse treatment.⁴ The following table shows the orders for substance abuse screening and assessment by the District and Justice Courts in FY 2010, for those cases where the values were known.

Substance Abuse Screening and Assessment Ordered by the Courts	FY 2008	FY 2009	FY 2010
District Court	646	693	686
Justice Court	1,104	1,953	2,414

Sources: District Courts – Utah Administrative Office of the Courts; Justice Courts – Utah Department of Public Safety, Bureau of Criminal Identification

Education

For a first DUI 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

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.

purpose of DUI education is to “address any problems or risk factors that appear to 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 program developed by the Prevention Research Institute (PRI). “PRIME For Life provides education and strategies for individuals who have problems with alcohol or drug use. PRIME For Life is an interactive experience designed to guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support those low-risk choices.”⁶ The following table shows the orders for the educational series by the District and Justice Courts in FY 2010, for those cases where values were known.

Educational Series Ordered By the Courts	FY 2008	FY 2009	FY 2010
District Court	417	459	419
Justice Court	1,058	1,782	2,155

Sources: District Courts – Utah Administrative Office of the Courts; Justice Courts – Utah Department of Public Safety, Bureau of Criminal Identification

PRI conducts periodic studies of PRIME For Life participants to measure the impact on changing beliefs about alcohol and other drug use, understanding the risks associated with alcohol/drug use, and desire to change personal drinking and drug use behaviors. In previous years this study was published annually, however, because the findings have been virtually identical from year to year, PRI now publishes the study less frequently. The most recent study provides data on 902 Utah offenders who participated in the PRIME For Life program during 2008 and 2009. Offenders ranged in age from 17 to 70, with an average age of 31. The findings from this study are summarized in the table below and on the following page.⁷

2008-2009 Utah PRIME For Life Participant Characteristics and Outcomes	
Gender	
Male	69%
Female	31%
Race/Ethnicity	
White	81%
Hispanic	10%
African American	2%
American Indian	2%
Other	5%

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

⁶ Beadnell, B., Nason, M., Carter-Lunceford, C., & Huynh, H. (2010, April). *PRIME For Life 2010 Evaluation Report Executive Summary: Utah*. Lexington, KY: Prevention Research Institute.

⁷Ibid.

2008-2009 Utah PRIME For Life Participant Characteristics and Outcomes		
Type of Offense		
Impaired Driving		62%
Drug Possession		14%
Underage Drinking		10%
Underage Drinking and Driving		5%
Other		9%
DSM-IV Indicators of Alcohol Dependence		
0 Indicators		19%
1 - 2 Indicators		34%
3 - 6 Indicators		47%
Key Findings: Behavioral Intentions	30 Days Prior to PRIME for Life	Upcoming 30-Day Intentions
<u>Drive After Making High-Risk Choices</u>		
Did Not Drive/Will Not Drive	67%	96%
Drove/Will Drive or Unsure	33%	4%
<u>Maximum Number of Drinks in a Day</u>		
Abstained/Will Abstain	31%	45%
1-3 Drinks	17%	32%
More Than 3 Drinks	52%	23%
<u>Marijuana and Other Drug Use</u>		
Abstained/Will Abstain	76%	91%
Used/Will Use	24%	9%

After attending PRIME For Life, participants, especially those with the largest number of DSM-IV indicators of possible alcohol dependence, reported the following:

- “greater perception of risk associated with high-risk drinking, marijuana use, and other drug use;
- “greater perception of personal risk for developing alcoholism and drug addiction;
- “greater perception that their substance use risked things they value;
- “greater recognition of existing substance abuse problems;
- “greater agreement with attitudes and beliefs that are supportive of making low-risk choices; and
- “greater motivation to reduce their use”.

Finally, “at the conclusion of PRIME For Life, over 80% of participants agreed the program helped them decide to drink or use drugs less (82%), feel confident about being able to drink less or use drugs less (82%), and develop skills to be able to drink less or to use drugs less (81%)”.

Treatment

For a first and second DUI offense, the court *may* order treatment; for a third or subsequent offense within 10 years, the court *must* order substance abuse 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. DUI 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.”⁸ Treatment should address both alcohol and other drug problems. 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 abuse disorder. The table below shows the orders for substance abuse treatment by the District and Justice Courts in FY 2010, for those cases where the values were known.

Substance Abuse Treatment Ordered by the Courts	FY 2008	FY 2009	FY 2010
District Court	633	698	648
Justice Court	819	1,291	1,585

Sources: District Courts – Utah Administrative Office of the Courts; Justice Courts – Utah Department of Public Safety, Bureau of Criminal Identification

⁸ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

Impaired
Driving Media
Campaign
6

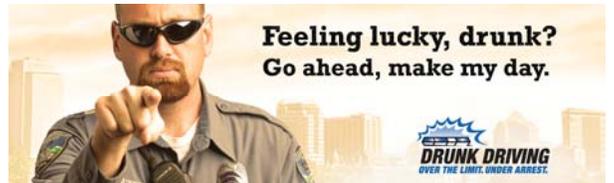
Utah's Impaired Driving Media Campaign



The Utah Department of Public Safety Highway Safety Office's statewide media and outreach campaign continues to work to change the awareness and behavior of the 21-34 year old demographic that is likely to drive after drinking alcohol. The Utah campaign is funded by the National Highway Traffic Safety Administration (NHTSA) and builds upon the national campaign. The campaign uses billboards, print ads, radio, on-line, college newspapers, and local media to reinforce the message that impaired driving is one of the most frequently committed and deadliest crimes. And, if you get caught in Utah, you will face serious consequences.



"Don't Get Pinched (Arrested) On St. Patrick's Day"



Billboards



"Drunk Driving Isn't A Game" (Super Bowl Weekend)



"DUI Mobile Command Center Rolls Out New Look at Summer DUI Checkpoint"

UTAH DUI SENTENCING MATRIX

(Current as of October 2010)

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 OR electronic home confinement ²	SHALL order: 240 consecutive hours OR 240 hours compensatory service OR electronic home confinement ²	SHALL order: 0-5 year prison term OR 1,500 hours jail (62.5 days) MAY order: Electronic home confinement ²
Fine: (§41-6a-505)	SHALL order: \$700 minimum plus surcharge	SHALL order: \$800 minimum plus surcharge	SHALL order: \$1,500 minimum plus surcharge, unless 0-5 prison term is imposed
Screening, Assessment, Educational Series, Treatment (§41-6a-505)	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"> • Treatment 	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"> • Treatment 	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment • Intensive treatment or inpatient treatment and aftercare for not less than 240 hours, unless 0-5 prison term is imposed
Probation: ³ (§41-6a-507)	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition Interlock ⁴ (§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 ARD⁵ violation OR describe on the record why such order not appropriate 	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 ARD⁵ violation OR describe on the record why such order not appropriate 	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 ARD⁵ 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 probation³ • Treatment and interlock⁴ and/or electronic home confinement² OR describe on the record why such order(s) not appropriate 	SHALL order: <ul style="list-style-type: none"> • Supervised probation³ • Treatment and interlock⁴ and/or electronic home confinement² OR describe on the record why such order(s) not appropriate 	SHALL order: <ul style="list-style-type: none"> • Supervised probation³ if 0-5 prison term is not imposed • Treatment and interlock⁴ and/or electronic home confinement² OR describe on the record why such order(s) not appropriate
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 180 days, 1 year or 2 years	Court MAY order additional 90 days, 180 days, 1 year or 2 years	Court MAY order additional 90 days, 180 days, 1 year or 2 years

¹A 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.

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

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

⁴Adoption 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.

⁵Alcohol 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	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	
Driver License Suspension (§41-6a-509)	If 21 or older: Suspend for 120 days If under 21: Suspend until 21 or for 120 days, whichever is longer OR If not issued a license, deny application for license or learner's permit until 21 or for 120 days, whichever is longer	If 21 or older: Revoke for 2 years If under 21: Revoke until 21 or for 2 years, whichever is longer OR If not issued a license, deny application for license or learner's permit until 21 or for 2 years, whichever is longer	If 21 or older: Revoke for 2 years If under 21: Revoke until 21 or for 2 years, whichever is longer
(§41-6a-521)	REFUSAL OF CHEMICAL TEST		
(§41-6a-517)	1st Offense If 21 or older: Revoke for 18 months If under 21: Revoke until 21 or for 18 months, whichever is longer 2nd and Subsequent Offenses If 21 or older: Revoke for 36 months If under 21: Revoke until 21 or for 36 months, whichever is longer		
	DRIVING WITH CONTROLLED SUBSTANCE IN BODY		
	1st Offense If 21 or older: Suspend for 120 days If under 21: Suspend until 21 or for 120 days 2nd and Subsequent Offenses If 21 or older: Revoke for 2 years If under 21: Revoke until 21 or for 2 years		
Interlock Restricted Driver (§41-6a-518.2) An "interlock restricted driver" may not operate a motor vehicle without an ignition interlock system as ordered by a court or the Board of Pardons and Parole, or due to a statutory provision.	Ignition interlock required for 18 months	Ignition interlock required for 3 years	Ignition interlock required for 6 years
	<ul style="list-style-type: none"> • Ignition interlock required for 3 years for operating a vehicle without an ignition interlock system if an interlock restricted driver • Ignition interlock required for 3 years for refusal to submit to a chemical test • Ignition interlock required for 3 years if under the age of 21 at time of DUI • Ignition interlock required for 10 years if convicted of automobile homicide 		
Alcohol Restricted Driver (§41-6a-529) 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.	Alcohol restricted driver for 2 years If bodily injury, passenger under 16, or passenger under 18 if driver 21 or older, alcohol restricted driver for 5 years	Alcohol restricted driver for 10 years	Alcohol restricted driver for life
	Convictions for the following violations will also result in a person being an alcohol restricted driver for the time periods indicated: <ul style="list-style-type: none"> • 2 years for impaired driving (§41-6a-502.5) • 3 years for driving with measurable/detectable alcohol in body if an alcohol restricted driver OR for driving without an ignition interlock system if an interlock restricted driver (§41-6a-518.2) • 5 years for refusal of a chemical test (§41-6a-520) • 10 years for impaired driving OR refusal of a chemical test within 10 years of a prior offense • Until 21 for a person who is under 21 years of age at the time of the violation 		



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