

# UTAH DUI SENTENCING MATRIX

(Current as of April 2010)

Court-Ordered Sentencing	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	
<b>CLASSIFICATION</b> (§41-6a-503)	<b>CLASS B MISDEMEANOR</b> <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>• if bodily injury<sup>1</sup></li> <li>• if passenger is under 16</li> <li>• if passenger is under 18 and driver is 21 or older</li> </ul>	<b>CLASS B MISDEMEANOR</b> <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>• if bodily injury<sup>1</sup></li> <li>• if passenger under 16</li> <li>• if passenger is under 18 and driver is 21 or older</li> </ul>	<b>THIRD DEGREE FELONY</b> <ul style="list-style-type: none"> <li>• if third or subsequent offense within 10 years</li> <li>• if serious bodily injury<sup>1</sup></li> <li>• if any prior felony DUI conviction or automobile homicide<sup>1</sup> conviction</li> </ul>
<b>Jail:</b> (§41-6a-505)	<b>SHALL</b> order: 48 consecutive hours <b>OR</b> 48 hours compensatory service <b>OR</b> electronic home confinement <sup>2</sup>	<b>SHALL</b> order: 240 consecutive hours <b>OR</b> 240 hours compensatory service <b>OR</b> electronic home confinement <sup>2</sup>	<b>SHALL</b> order: 0-5 year prison term <b>OR</b> 1,500 hours jail (62.5 days) <b>MAY</b> order: Electronic home confinement <sup>2</sup>
<b>Fine:</b> (§41-6a-505)	<b>SHALL</b> order: \$700 minimum plus surcharge	<b>SHALL</b> order: \$800 minimum plus surcharge	<b>SHALL</b> order: \$1,500 minimum plus surcharge, unless 0-5 prison term is imposed
<b>Screening, Assessment, Educational Series, Treatment</b> (§41-6a-505)	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>• Screening</li> <li>• Assessment (if found appropriate by screening)</li> <li>• Educational series, unless treatment is ordered</li> </ul> <b>MAY</b> order: <ul style="list-style-type: none"> <li>• Treatment</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>• Screening</li> <li>• Assessment (if found appropriate by screening)</li> <li>• Educational series, unless treatment is ordered</li> </ul> <b>MAY</b> order: <ul style="list-style-type: none"> <li>• Treatment</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>• Screening</li> <li>• Assessment</li> <li>• Intensive treatment or inpatient treatment and aftercare for not less than 240 hours, unless 0-5 prison term is imposed</li> </ul>
<b>Probation:</b> <sup>3</sup> (§41-6a-507)	<b>MAY</b> order supervised probation	<b>SHALL</b> order supervised probation	<b>SHALL</b> order supervised probation if 0-5 prison term is not imposed
<b>Ignition Interlock</b> <sup>4</sup> (§41-6a-518) (§41-6a-530)	<b>MAY</b> order: <ul style="list-style-type: none"> <li>• Ignition interlock</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>• Interlock if under 21</li> <li>• Interlock for an ARD<sup>5</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<b>MAY</b> order: <ul style="list-style-type: none"> <li>• Ignition interlock</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>• Interlock if under 21</li> <li>• Interlock for an ARD<sup>5</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<b>MAY</b> order: <ul style="list-style-type: none"> <li>• Ignition interlock</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>• Interlock if under 21</li> <li>• Interlock for an ARD<sup>5</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>
<b>High BAC: (.16 or higher)</b> (§41-6a-505)	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>• Supervised probation<sup>3</sup></li> <li>• Treatment <b>and</b> interlock<sup>4</sup> <b>and/or</b> electronic home confinement<sup>2</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>• Supervised probation<sup>3</sup></li> <li>• Treatment <b>and</b> interlock<sup>4</sup> <b>and/or</b> electronic home confinement<sup>2</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>• Supervised probation<sup>3</sup> if 0-5 prison term is not imposed</li> <li>• Treatment <b>and</b> interlock<sup>4</sup> <b>and/or</b> electronic home confinement<sup>2</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>
<b>Driver License Suspension</b> (§41-6a-509)	Court <b>MAY</b> order <b>additional</b> 90 days, 180 days, 1 year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 180 days, 1 year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 180 days, 1 year or 2 years

<sup>1</sup>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.

<sup>2</sup>See §41-6a-506 for electronic home confinement provisions.

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

<sup>4</sup>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.

<sup>5</sup>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	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	
<b>Driver License Suspension</b> (§41-6a-509)	<b>If 21 or older:</b> Suspend for 120 days <b>If under 21:</b> Suspend until 21 or for 120 days, whichever is longer <b>OR</b> If not issued a license, deny application for license or learner's permit until 21 or for 120 days, whichever is longer	<b>If 21 or older:</b> Revoke for 2 years <b>If under 21:</b> Revoke until 21 or for 2 years, whichever is longer <b>OR</b> If not issued a license, deny application for license or learner's permit until 21 or for 2 years, whichever is longer	<b>If 21 or older:</b> Revoke for 2 years <b>If under 21:</b> Revoke until 21 or for 2 years, whichever is longer
(§41-6a-521)	<b>REFUSAL OF CHEMICAL TEST</b>		
(§41-6a-517)	<b>1<sup>st</sup> Offense</b> <b>If 21 or older:</b> Revoke for 18 months <b>If under 21:</b> Revoke until 21 or for 18 months, whichever is longer <b>2<sup>nd</sup> and Subsequent Offenses</b> <b>If 21 or older:</b> Revoke for 36 months <b>If under 21:</b> Revoke until 21 or for 36 months, whichever is longer		
	<b>DRIVING WITH CONTROLLED SUBSTANCE IN BODY</b>		
	<b>1<sup>st</sup> Offense</b> <b>If 21 or older:</b> Suspend for 120 days <b>If under 21:</b> Suspend until 21 or for 120 days <b>2<sup>nd</sup> and Subsequent Offenses</b> <b>If 21 or older:</b> Revoke for 2 years <b>If under 21:</b> Revoke until 21 or for 2 years		
<b>Interlock Restricted Driver</b> (§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"> <li>• Ignition interlock required for 3 years for operating a vehicle without an ignition interlock system if an interlock restricted driver</li> <li>• Ignition interlock required for 3 years for refusal to submit to a chemical test</li> <li>• Ignition interlock required for 3 years if under the age of 21 at time of DUI</li> <li>• Ignition interlock required for 10 years if convicted of automobile homicide</li> </ul>		
<b>Alcohol Restricted Driver</b> (§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"> <li>• 2 years for impaired driving (§41-6a-502.5)</li> <li>• 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)</li> <li>• 5 years for refusal of a chemical test (§41-6a-520)</li> <li>• 10 years for impaired driving OR refusal of a chemical test within 10 years of a prior offense</li> <li>• Until 21 for a person who is under 21 years of age at the time of the violation</li> </ul>		

