

# UTAH DUI SENTENCING MATRIX

(Current as of May 14, 2019)

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> <li>if driving in the wrong direction on a freeway or controlled-access highway</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> <li>if driving in the wrong direction on a freeway or controlled-access highway</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>SHALL</b> order: 240 hours (10 days) <b>OR</b> 120 hours (5 days) <b>AND</b> 720 consecutive hours (30 days) electronic home confinement <sup>2</sup> that includes substance abuse testing	<b>SHALL</b> order: 0-5 year prison term <b>OR</b> 1,500 hours jail (62.5 days)
<b>Fine, Surcharge, and Court Security Fee</b> (§41-6a-505) (§51-9-401)	<b>SHALL</b> order: \$700 minimum fine plus a \$630 surcharge plus a \$50 court security fee	<b>SHALL</b> order: \$800 minimum fine plus a \$720 surcharge plus a \$50 court security fee	<b>SHALL</b> order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$50 court security fee, unless a 0-5 prison term is imposed
<b>Screening, Assessment, Educational Series, and 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>Treatment as appropriate, unless 0-5 prison term is imposed</li> <li>Supervised probation, unless 0-5 prison term is not imposed</li> </ul>
<b>Supervised Probation<sup>3</sup></b> (§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<sup>4</sup></b> (§41-6a-518) (§41-6a-530)	<b>MAY</b> order: <ul style="list-style-type: none"> <li>Ignition interlock, unless violation does not involve alcohol</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21, unless violation does not involve alcohol</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>SHALL</b> order: <ul style="list-style-type: none"> <li>Ignition interlock, unless violation does not involve alcohol</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21, unless violation does not involve alcohol</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>SHALL</b> order: <ul style="list-style-type: none"> <li>Ignition interlock, unless violation does not involve alcohol</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21, unless violation does not involve alcohol</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</li> <li>Treatment <b>and</b> interlock <b>and/or</b> ankle attached continuous transdermal alcohol monitoring device <b>and/or</b> electronic home confinement <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</li> <li>Treatment <b>and</b> interlock <b>and/or</b> ankle attached continuous transdermal alcohol monitoring device <b>and/or</b> electronic home confinement <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 if 0-5 prison term is not imposed</li> <li>Treatment <b>and</b> interlock <b>and/or</b> ankle attached continuous transdermal alcohol monitoring device <b>and/or</b> electronic home confinement <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, 120 days, 180 days, one year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one 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 or metabolite 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> 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
<b>Driver License Denial, Suspension, or Revocation</b>		
<b>Driving Under the Influence/ DUI Conviction</b> (§41-6a-509)	<b>If 21 or older:</b> 120 days <b>If 19-20:</b> Longer of one year or until 21 <sup>st</sup> birthday <b>If under 19:</b> Until 21 <sup>st</sup> birthday <b>Early License Reinstatement for Drivers Under 21:</b> 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.	<b>If 21 or older:</b> 2 years <b>If 19-20:</b> Longer of 2 years or until 21 <sup>st</sup> birthday <b>If under 19:</b> Until 21 <sup>st</sup> birthday
<b>Driving with Controlled Substance/ Metabolite in Body Conviction</b> (§41-6a-517)	<b>If 21 or older:</b> 120 days <b>If 19-20:</b> Longer of one year or until 21 <sup>st</sup> birthday <b>If under 19:</b> Until 21 <sup>st</sup> birthday <b>Early License Reinstatement for Drivers Under 21:</b> 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.	<b>If 21 or older:</b> 2 years <b>If 19-20:</b> Longer of two years or until 21 <sup>st</sup> birthday <b>If under 19:</b> Until 21 <sup>st</sup> birthday
<b>Refusal of Chemical Test</b> (§41-6a-521)	<b>If 21 or older:</b> 18 months <b>If under 21:</b> Longer of 2 years or until 21 <sup>st</sup> Birthday	<b>If 21 or older:</b> 36 months <b>If under 21:</b> Longer of 36 months or until 21 <sup>st</sup> birthday
<b>Per se Arrest</b> (§53-3-223) <small>≥ .05 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system</small>	<b>If 21 or older:</b> 120 days <b>If under 21:</b> 6 months	<b>If 21 or older:</b> 2 years <b>If under 21:</b> Longer of 2 years or until 21 <sup>st</sup> birthday
<b>Not A Drop</b> (§53-3-231) <small>A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body</small>	<b>If under 21:</b> Until successful completion of substance abuse program recommendation, but not less than 6 months	<b>If under 21:</b> Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21 <sup>st</sup> birthday
<b>Failure to Install or Removal of Ignition Interlock Device</b> (§53-3-1007)	A person who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an 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 interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.	
<b>Other Sanctions</b>		
<b>IRD – Interlock Restricted Driver</b> (§41-6a-518.2) <small>An "interlock restricted driver" may not operate a motor vehicle without an ignition interlock.</small>	<ul style="list-style-type: none"> <li>• <b>18 months IRD</b> for 1<sup>st</sup> DUI (§41-6a-502) if over 21 unless conviction does not involve alcohol</li> <li>• <b>3 years IRD</b> for 1<sup>st</sup> Driving Without Ignition Interlock Device if IRD (§41-6a-518.2); Refusal to Submit to Chemical Test (§41-6a-521); or 1<sup>st</sup> DUI (§41-6a-502) under 21, unless violation does not involve alcohol</li> <li>• <b>3 years IRD</b> 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), unless all convictions are under §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)</li> <li>• <b>6 years IRD</b> for Felony DUI (§41-6a-502)</li> <li>• <b>10 years IRD</b> for Automobile Homicide (§76-5-207)</li> </ul>	
<b>ARD – Alcohol Restricted Driver</b> (§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>Note: If Per se is drug only or metabolite, ARD does not apply.</small> </small>	<ul style="list-style-type: none"> <li>• <b>2 years ARD</b> for 1<sup>st</sup> DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5)</li> <li>• <b>2 years ARD</b> for any Per se offense (§53-3-223)</li> <li>• <b>3 years ARD</b> 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</li> <li>• <b>5 years ARD</b> for 1<sup>st</sup> Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502)</li> <li>• <b>10 years ARD</b> for 2<sup>nd</sup> offense, if 2<sup>nd</sup> 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 1<sup>st</sup> 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)</li> <li>• <b>Lifetime ARD</b> for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207)</li> </ul>	