

# DUI SENTENCING MATRIX

(Current as of the 2005 General Session)

	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	THIRD OR SUBSEQUENT OFFENSE WITHIN 10 YEARS
<b>CLASSIFICATION</b> (§41-6a-403)	CLASS B MISDEMEANOR BECOMES A CLASS A: <ul style="list-style-type: none"> <li>• if bodily injury inflicted</li> <li>• if passenger is under 16</li> <li>• if passenger is under 18 and driver is 21 or older</li> </ul> <p>Third degree felony:</p> <ul style="list-style-type: none"> <li>• if serious bodily injury</li> </ul>	CLASS B MISDEMEANOR BECOMES A CLASS A: <ul style="list-style-type: none"> <li>• if bodily injury inflicted</li> <li>• if passenger under 16</li> <li>• if passenger is under 18 and driver is 21 or older</li> </ul> <p>Third degree felony</p> <ul style="list-style-type: none"> <li>• if any prior felony DUI conviction or automobile homicide conviction</li> <li>• if serious bodily injury</li> </ul>	3D DEGREE FELONY
<b>SENTENCING</b> Jail – <b>SHALL</b> order: (§41-6a-505)	48 consecutive hours <b>OR</b> 48 hours compensatory service <b>OR</b> electronic home confinement*	240 consecutive hours <b>OR</b> 240 hours compensatory service <b>OR</b> electronic home confinement*	0-5 year prison term <b>OR</b> 1,500 hours jail (62.5 days) May also require electronic home confinement*
Fine - <b>SHALL</b> order: (§41-6a-505)	\$700 minimum plus surcharge	\$800 minimum plus surcharge	\$1,500 minimum, unless 0-5 prison term is imposed
Other - <b>SHALL</b> order: (§41-6a-505)	<ul style="list-style-type: none"> <li>• Screening</li> <li>• Assessment (if found appropriate by the screening)</li> <li>• Educational Series, unless treatment is ordered</li> <li>• <b>MAY</b> order treatment</li> </ul>	<ul style="list-style-type: none"> <li>• Screening</li> <li>• Assessment (if found appropriate by the screening)</li> <li>• Educational Series, unless treatment is ordered</li> <li>• <b>MAY</b> order treatment</li> </ul>	<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</li> </ul>
Probation: (§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
Ignition Interlock: (§41-6a-518)	<b>MAY</b> order ignition interlock	<b>SHALL</b> order ignition interlock (3 years)	<b>SHALL</b> order ignition interlock (3 years)
High BAC: (.16 or higher) (§41-6a-505)	<ul style="list-style-type: none"> <li>• <b>SHALL</b> order supervised probation</li> <li>• If no treatment, interlock or home confinement, reasons must be stated on the record</li> </ul>	<b>SHALL</b> order supervised probation	<b>SHALL</b> order supervised probation if 0-5 prison term is not imposed
License Suspension: (§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

\*See § 41-6a-506 for Electronic Home Confinement provisions

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