

UTAH DUI SENTENCING MATRIX

(Current as of May 8, 2018)

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 if driving in the wrong direction on a freeway or controlled-access highway 	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 if driving in the wrong direction on a freeway or controlled-access highway 	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, and 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 Treatment as appropriate, unless 0-5 prison term is imposed Supervised probation, unless 0-5 prison term is not imposed
Supervised Probation³ (§41-6a-507)	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition Interlock⁴ (§41-6a-518) (§41-6a-530)	MAY order: Ignition interlock SHALL order: Interlock if under 21 Interlock for an ARD ⁵ violation OR describe on the record why such order not appropriate	SHALL order: Ignition interlock SHALL order: Interlock if under 21 Interlock for an ARD ⁵ violation OR describe on the record why such order not appropriate	SHALL order: Ignition interlock SHALL order: Interlock if under 21 Interlock for an ARD ⁵ violation OR describe on the record why such order not appropriate
High BAC (.16 or higher) (§41-6a-505)	SHALL order: 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: 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: 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 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.

Note: If a person's violation of Section 41-6a-502 does not involve alcohol, the requirement to order ignition interlock does not apply.

⁵ 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>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.</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. Note: If a person's violation of Section 41-6a-502 does not involve alcohol, or if all offenses are for metabolite convictions under Section 41-6a-517 (no alcohol involved), IRD does not apply.</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) 	
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. Note: If Per se is drug only or metabolite, ARD does not apply.</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) 	