

UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Fourteenth Annual DUI Report to the Utah Legislature



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Statistical Note: Data in this report are current as of September 9, 2016, unless otherwise noted. Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.

Executive Summary

DUI in Utah: CY 2015 / FY 2016

DUI and Drug-Related Fatalities

- From CY 2014 to CY 2015, DUI/alcohol-related fatalities in Utah decreased nearly 18 percent, from 45 to 37.
- The number of DUI/drug-related crashes increased from 320 in CY 2014 to 701 in CY 2015, a 119 percent increase.
- The number of fatalities that were DUI/drug-related increased 76 percent, from 38 in CY 2014 to 67 in CY 2015.

Law Enforcement: DUI-Related Arrests

- There were 10,755 DUI-related arrests in FY 2016, 47 fewer than in FY 2015.
- Almost 82 percent of the arrests were for per se violations where the driver had a .08 or greater blood/breath alcohol concentration, or was impaired by alcohol, drugs, or a combination of the two to the extent it was unsafe to operate a vehicle.
- Arrests included 1,472 made during specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI sobriety checkpoints that involved 100 law enforcement agencies throughout the state.
- Fifty-three percent of all arrests were made by municipal law enforcement agencies.

- Seventy-two percent of arrestees were male.
- Twelve percent of arrestees were under the legal drinking age of 21 and the youngest arrestees were 14 years old.
- The average blood alcohol content (BAC) for arrestees was nearly .15 and the highest was .40, *five times the legal limit*.
- The majority of arrests occurred along the Wasatch Front with Weber, Davis, Salt Lake, and Utah Counties accounting for 71 percent of the total.
- While Utah's population has continued to grow, the arrest rate has declined steadily, with a nearly 38 percent decrease since FY 2009.
- Nearly 71 percent of arrests were for a first offense, almost 19 percent were for a second offense, almost seven percent were for a third offense, and about three percent were for a fourth or subsequent offense.

Courts: Adjudications and Sanctions

- In FY 2016, there were 8,434 DUI-related cases in Utah's Justice Courts. Among the cases resolved, 50 percent resulted in a guilty plea or verdict.
- In FY 2016, there were 2,884 DUI-related cases disposed by the state's District Courts. Among the cases resolved, 74 percent resulted in a guilty plea or verdict.

Driver License Control

- The Driver License Division conducted 4,442 hearings in FY 2016 to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.

Assessment, Education and Treatment

- Justice Court judges ordered offenders to undergo a substance use disorder screening and assessment in 2,839 cases, ordered an educational series in 2,342 cases, and ordered substance use disorder treatment in 1,758 cases.
- District Court judges ordered offenders to undergo a substance use disorder screening and assessment in 1,002 cases, ordered an educational series in 368 cases, and ordered substance use disorder treatment in 1,196 cases.

“When the vehicular wreckage is towed away, the *human* wreckage is left behind – the permanent brain damage, the spinal cord injuries, the lost or permanently deformed limbs, the blindness . . . – the lifetimes crippled with disability and haunted by recurrent nightmares of how it all happened.

“Tens of thousands of deaths, hundreds of thousands of injuries. Those are numbing statistics. But they are also *more than just* statistics.

“They are real people, real human lives.”

*C. Everett Koop, M.D., Sc.D.
Surgeon General of the United States, 1982 – 1989
Opening Remarks at the Surgeon General’s Workshop on Drunk Driving
December 14-16, 1988 – Washington, D.C.*

Introduction

1

Introduction

Driving under the influence of alcohol and/or other drugs is among the most frequently committed violent crimes, killing thousands nationwide every year. In calendar year 2015, 104 Utahns lost their lives in incidents where someone chose to drink or use drugs and drive, and in 2016 the losses have continued throughout the state. The following represent only a few of Utah’s recent DUI-related tragedies, all of which were *completely preventable*.

Saratoga Springs – Monday, September 28, 2015

Katie Ann Nielson, 29, was driving on a suspended license for a prior DUI, and had previously served a prison sentence for driving under the influence of methamphetamine, when she once again made a deadly choice. In the late afternoon, while driving her SUV south on Crossroads Boulevard, she crossed into northbound lanes and crashed head-on into the car driven by 72-year-old Lillian Strickland of Cedar Fort, killing Lillian almost instantly. Toxicology tests showed Nielson had methamphetamine and amphetamine in her system. She pled guilty to a third degree felony count of automobile homicide and third degree felony possession of a controlled substance. She was sentenced to up to 10 years in prison.

Salt Lake City – Wednesday, October 28, 2015

Thirty-one year-old Lindsay Ann Floyd was driving through the Wal-Mart parking lot at 350 West Hope Avenue when she hit the shopping cart being pushed by 71-year-old George Kassavetis. Kassavetis fell and hit his head, and died several days later at the hospital from his injuries. Floyd’s blood alcohol content was .18, more than twice the legal limit, and she pled guilty to automobile homicide while under the influence of alcohol, a third degree felony. She was sentenced to up to five years in prison and ordered to pay restitution of more than \$5,700.

Payson – Sunday, March 20, 2016

Tabatha Magoon made a “wide” right turn at the intersection of 680 West and 1000 South, and struck a young boy riding a skateboard. Kaydon Sillitoe, who had just celebrated his eighth birthday the day before, was severely injured and later died at the hospital. A urine test conducted on Magoon, 37, showed the presence of methamphetamine, amphetamine, opiates, and oxycodone in her system. Magoon faces charges of second degree felony automobile homicide and class A misdemeanor possession or use of a controlled substance.

Park City – Monday, March 28, 2016

When he entered I-80 at Kimball Junction going the wrong way, 30-year-old Stuart Riley Miller of Kamas had a blood alcohol content of .279, nearly three and a half times the legal limit. Traveling about 90 miles per hour, Miller crashed head-on into a Saturn Vue driven by Amanda Kae Streit, 39, of Park City. Streit was pronounced dead at the scene. Miller is charged with one count of automobile homicide, a second degree felony, and having an open container in his vehicle, a class C misdemeanor.

Layton – Wednesday, July 20, 2016

Twenty-three-year-old Zachery Alan Ericksen ran a red light at the intersection of Fairfield Road and Antelope Drive and crashed into another vehicle. The driver of the other vehicle, Kathleen “Kitty” Purcell, 56, was transported to the hospital where she died from her injuries the following day. Although officers investigating the scene did not notice obvious signs that Ericksen was impaired, blood test results were positive for tetrahydrocannabinol (THC), the psychoactive chemical in marijuana. Erickson has been charged with causing serious injury or death while driving with a measurable controlled substance in his body, a third degree felony.

Provo – Thursday, August 4, 2016

At about 4:00 a.m., Brylee McClellan, just four months old, was in her mother’s arms in the back seat of a small SUV, when the car hit a tree and rolled on its side. The driver, 29-year-old Chelsea Fuller, had a blood alcohol level more than twice the legal limit. No one in the car was wearing a seat belt. Brylee was flown to Primary Children’s Hospital, where she died several hours later. Her mother, Susanne McClellan, suffered head and neck injuries. Fuller faces possible charges of second-degree felony automobile homicide, third-degree felony DUI, failure to wear a seat belt, and failure to use a child restraint device. Brylee’s mother may be charged with reckless endangerment of a child.

Information for these stories was obtained from articles in the *Salt Lake Tribune*, *The Park Record*, and reports on the KSL.com and FOX13 websites.

Purpose of the Report

The *Fourteenth 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; driver license control; and alcohol education, assessment, and treatment.

2016 DUI and Related Legislation



The following were passed by the Utah Legislature in the 2016 General Session:

H.B. 114 *Controlled Substance Reporting* *Representative Raymond Ward*

This bill requires courts to report to the Division of Occupational and Professional Licensing (division) certain violations of the Utah Controlled Substances Act;

Amends the purposes of the division's controlled substance database; and

Requires the division to enter into the database information it receives in reports by courts concerning persons convicted for: driving under the influence of a prescribed controlled substance that renders the person incapable of safely operating a vehicle; driving while impaired, in whole or in part, by a prescribed controlled substance; or certain violations of the Utah Controlled Substances Act.

H.B. 120 *DUI Enforcement Funding Amendments* *Representative Steve Eliason*

This bill increases the administrative fee (from \$350 to \$400) for impounding a vehicle due to an arrest, citation, or referral for administrative action for driving under the influence or reckless driving;

Allocates the funds from the increased impound fee to the Department of Public Safety Restricted Account; and

Appropriates \$423,200 one-time for FY 2017 from the Restricted Account to the Department of Public Safety – Highway Safety Office.

H.B. 189 *Motor Vehicle Impound Amendments* *Representative Stephen Handy*

This bill amends the sentencing requirements for DUI convictions by requiring payment of the administrative impound fee and towing and storage fees by the person convicted; and

Requires the Motor Vehicle Division to provide notification to a dealer who has issued a temporary permit for a car that is towed and impounded.

H.B. 191 *Interlock Restricted Driver Amendments*
Representative Edward Redd

This bill requires an interlock restricted driver to have written verification of certain information from the driver's employer in the driver's possession while operating the employer's motor vehicle;

Requires the Driver License Division to post the ignition interlock restriction on a person's electronic record that is available to law enforcement;

Amends the requirements for an affirmative defense to an interlock restricted driver violation;

Amends the requirements for the Driver License Division to clear the suspension for an interlock restricted driver violation; and

Requires the Driver License Division to suspend the driving privilege of an interlock restricted driver in certain circumstances.

Appropriation

24/7 Sobriety Pilot Program

The 2016 Legislature appropriated \$100,000 one-time (\$50,000 in FY 2016 and \$50,000 in FY 2017) to the Attorney General's Office for pass through to the Weber County Sheriff's Office.

Law Enforcement

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI-related arrests. In FY 2016, law enforcement officers made 10,755 arrests, 47 fewer than in FY 2015.

DUI-Related Arrests

DUI-Related Arrests by Violation Type

As illustrated in the following table, the distribution of DUI-related arrests by type of violation in FY 2016 was very similar to previous years. About 82 percent of the arrests were for per se violations where the driver had a .08 or greater blood/breath alcohol concentration, or was impaired by alcohol, drugs, or a combination of the two to the extent it was unsafe to operate a vehicle. Under Utah law, drivers are considered to have given consent to tests of breath, blood, urine, or oral fluids to determine whether they are driving under the influence of alcohol and/or other drugs. Almost 13 percent of arrests were for refusal to submit to a chemical test. It is also illegal to drive with any measurable controlled substance or metabolite of a controlled substance in a person's body, which accounted for two 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 three percent of the arrests. The fewest arrests were of commercial drivers exceeding the .04 limit, which represented less than one percent of the total.

DUI-Related Arrests by Violation Type	FY 2014		FY 2015		FY 2016		Percent Change FY 15–FY 16
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	8,870	81.4%	8,751	81.0%	8,800	81.8%	+0.56%
Refusal of Chemical Test	1,231	11.3%	1,373	12.7%	1,358	12.6%	-1.1%
Not a Drop (< 21)	472	4.3%	397	3.7%	356	3.3%	-10.3%
Drug Metabolite	142	1.3%	180	1.7%	219	2.0%	+21.7%
Commercial Driver (.04)	26	0.2%	29	0.3%	9	0.1%	-69.0%
Unknown (no box marked)	160	1.5%	72	0.7%	13	0.1%	-81.9%
TOTAL	10,901	100.0%	10,802	100.0%	10,755	100.0%	-0.4%

Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in SFY 2016/FFY 2016* included those that occurred as a result of specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints. State funding from DUI impound fees collected, as well as federal funding from the National Highway Traffic Safety Administration (NHTSA), was used to fund the overtime shifts coordinated through the Utah Highway Safety Office. A total of 100 law enforcement agencies throughout Utah participated, including local police agencies, sheriffs' offices, the Utah Highway Patrol, and university police departments. The table below shows the measures associated with these specialized DUI overtime enforcement events.

Statewide DUI Overtime Enforcement Events	State-Funded	Federally-Funded	Totals
	SFY 2016*	FFY 2016*	
DUI Shifts Worked	4,429	1,330	5,759
Vehicles Stopped	40,433	15,159	55,592
DUI Arrests**	1,102	370	1,472
Vehicles Impounded	992	315	1,307
Alcohol-Related Arrests***	519	225	744
Drug-Related Arrests****	977	364	1,341
Warrants Served	777	259	1,036
Other Warnings/Citations	44,682	9,994	54,676
Designated Drivers Observed/Documented	493	355	848

Source: Utah Department of Public Safety, Highway Safety Office
 *SFY 2016 = July 1, 2015 – June 30, 2016; FFY 2016 = October 1, 2015 – September 30, 2016
 **Includes 909 alcohol-related, 358 other drug-related, and 205 metabolite arrests
 ***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-Related Arrests by Agency Type

Fifty-three percent of all DUI-related arrests in FY 2016 were made by municipal law enforcement agencies, with the Utah Highway Patrol responsible for 33 percent, and county sheriffs' offices responsible for almost 14 percent.

DUI-Related Arrests by Agency Type	FY 2014		FY 2015		FY 2016	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,295	11.9%	1,272	11.8%	1,463	13.6%
City Police/Other	5,978	54.8%	6,033	55.8%	5,725	53.2%
Highway Patrol	3,628	33.3%	3,497	32.4%	3,567	33.2%
TOTAL	10,901	100.0%	10,802	100.0%	10,755	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI-Related Arrests by Gender

The table on the following page shows the proportions of male and female arrestees have remained fairly constant over the past three years. In FY 2016, where the gender was specified, 72 percent of arrestees were male and just under 26 percent were female.

DUI-Related Arrests by Gender	FY 2014		FY 2015		FY 2016	
	Number	Percent	Number	Percent	Number	Percent
Male	7,887	72.3%	7,887	73.0%	7,801	72.5%
Female	2,907	26.7%	2,727	25.3%	2,763	25.7%
Unspecified	107	1.0%	188	1.7%	191	1.8%
TOTAL	10,901	100.0%	10,802	100.0%	10,755	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI-Related Arrests by Age

The youngest arrestees in FY 2016 were 14 years old, and the oldest were 82-87 years of age. Twelve percent of arrestees were under the legal drinking age of 21. Drivers ages 25-36 accounted for nearly 38 percent of all arrests for DUI-related violations.

DUI-Related Arrests by Age	FY 2014		FY 2015		FY 2016	
	Number	Percent	Number	Percent	Number	Percent
Ages 14-20	1,275	11.7%	1,182	10.9%	1,339	12.4%
Ages 21-24	1,888	17.3%	1,700	15.7%	1,774	16.5%
Ages 25-36	4,213	38.6%	4,201	38.9%	4,051	37.7%
Ages 37-48	2,120	19.4%	2,146	19.9%	2,195	20.4%
Ages 49-87	1,405	13.0%	1,573	14.6%	1,396	13.0%
TOTAL	10,901	100.0%	10,802	100.0%	10,755	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI-Related Arrests by Blood/Breath Alcohol Concentration (BAC)

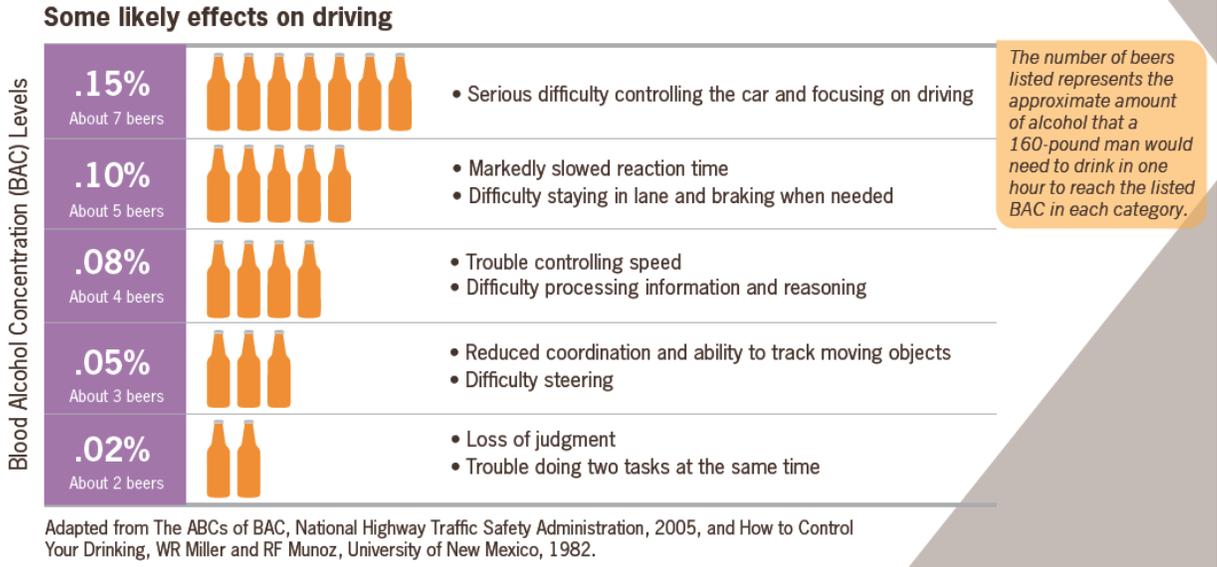
The average BAC in FY 2016, where the test results were reported, was nearly .15 (.149), and the median BAC was .14. The highest BAC recorded was .40, *five times the legal limit!*

DUI-Related Arrests by BAC	FY 2014		FY 2015		FY 2016	
	Number	Percent	Number	Percent	Number	Percent
BAC Result Not Reported*	4,127	37.9%	4,232	39.2%	4,805	44.7%
.00 - .07	544	5.0%	425	3.9%	339	3.1%
.08 - .10	1,009	9.3%	864	8.0%	770	7.2%
.11 - .15	1,875	17.2%	1,761	16.3%	1,588	14.8%
.16 - .20	1,248	11.4%	1,293	12.0%	1,129	10.5%
.21 - .25	592	5.4%	553	5.1%	505	4.7%
.26 - .40	276	2.5%	302	2.8%	261	2.4%
Refused BAC Test	1,230	11.3%	1,372	12.7%	1,358	12.6%
TOTAL	10,901	100.0%	10,802	100.0%	10,755	100.0%

Source: Utah Department of Public Safety, Driver License Division

*Arrestee may have submitted to a blood test, but the Driver License Division never received the results, or this was a DUI/drug-related arrest and there was no BAC.

According to the Centers for Disease Control and Prevention (CDC), to reach a BAC of .15, a 160-pound man would need to consume about seven beers within one hour (see table below).¹



DUI-Related Arrests by Month

As in previous years, DUI-related arrests remained fairly consistent throughout FY 2016, with an average of 896 arrests per month. The highest number of arrests occurred in May (1,009), with the lowest number of arrests in September (768).

DUI-Related Arrests by Month	FY 2014		FY 2015		FY 2016	
	Number	Percent	Number	Percent	Number	Percent
July	973	8.9%	848	7.9%	877	8.2%
August	1,055	9.7%	998	9.2%	862	8.0%
September	932	8.5%	827	7.7%	768	7.1%
October	909	8.3%	820	7.6%	890	8.3%
November	983	9.0%	1,015	9.4%	931	8.7%
December	871	8.0%	913	8.5%	780	7.3%
January	825	7.6%	1,070	9.9%	914	8.5%
February	859	7.9%	901	8.3%	942	8.8%
March	998	9.2%	992	9.2%	997	9.3%
April	816	7.5%	753	7.0%	902	8.4%
May	860	7.9%	903	8.4%	1,009	9.4%
June	820	7.5%	762	7.1%	883	8.2%
TOTAL	10,901	100.0%	10,802	100.0%	10,755	100.0%

Source: Utah Department of Public Safety, Driver License Division

¹ Centers for Disease Control and Prevention Vital signs, *Drinking and Driving: A Threat to Everyone*, October 2011.

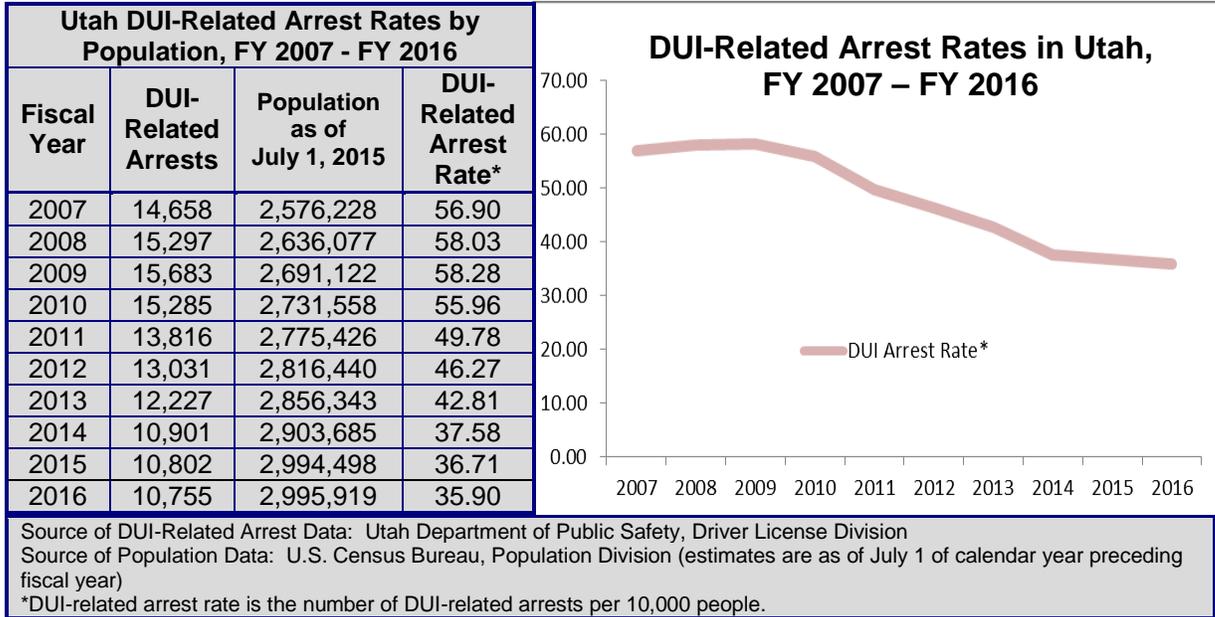
DUI-Related Arrests by County

Consistent with past years, the majority of DUI-related arrests during FY 2016 occurred along the Wasatch Front with Weber, Davis, Salt Lake, and Utah Counties accounting for 71 percent (7,682) of the total. Salt Lake County had the highest number of arrests with 4,077 (37.9%), while Daggett County had the fewest arrests with zero. The table below also compares the percentage of DUI-related arrests to the percentage of both total population and vehicle miles traveled in each county.

County	DUI-Related Arrests FY 2016		July 1, 2015 Utah Population Estimates		Vehicle Miles Traveled Calendar Year 2015	
	Number	Percent	Number	Percent	Number	Percent
Beaver	47	0.44%	6,354	0.21%	285,668,399	0.97%
Box Elder	186	1.73%	52,097	1.74%	973,650,820	3.31%
Cache	316	2.94%	120,783	4.03%	954,924,377	3.25%
Carbon	64	0.60%	20,479	0.68%	344,944,836	1.17%
Daggett	0	0.00%	1,109	0.04%	33,130,562	0.11%
Davis	884	8.22%	336,043	11.22%	2,802,079,612	9.53%
Duchesne	93	0.86%	20,862	0.70%	327,841,653	1.12%
Emery	35	0.33%	10,370	0.35%	385,315,624	1.31%
Garfield	1	0.01%	5,009	0.17%	123,257,738	0.42%
Grand	102	0.95%	9,516	0.32%	380,937,171	1.30%
Iron	212	1.97%	48,368	1.61%	794,760,784	2.70%
Juab	104	0.97%	10,594	0.35%	418,803,123	1.42%
Kane	44	0.41%	7,131	0.24%	153,248,460	0.52%
Millard	88	0.82%	12,645	0.42%	533,404,164	1.81%
Morgan	34	0.32%	11,065	0.37%	142,800,901	0.49%
Piute	3	0.03%	1,517	0.05%	30,998,770	0.11%
Rich	7	0.07%	2,311	0.08%	52,670,161	0.18%
Salt Lake	4,077	37.91%	1,107,314	36.96%	9,466,255,889	32.21%
San Juan	62	0.58%	15,772	0.53%	323,528,333	1.10%
Sanpete	58	0.54%	28,778	0.96%	238,237,698	0.81%
Sevier	67	0.62%	20,984	0.70%	350,052,040	1.19%
Summit	223	2.07%	39,633	1.32%	816,647,139	2.78%
Tooele	383	3.56%	62,952	2.10%	863,609,453	2.94%
Uintah	180	1.67%	37,928	1.27%	436,479,501	1.48%
Utah	1,640	15.25%	575,205	19.20%	4,403,917,995	14.98%
Wasatch	279	2.59%	29,161	0.97%	393,786,656	1.34%
Washington	484	4.50%	155,602	5.19%	1,565,553,150	5.33%
Wayne	1	0.01%	2,692	0.09%	52,333,595	0.18%
Weber	1,081	10.05%	243,645	8.13%	1,744,319,994	5.93%
TOTAL	10,755	100.00%	2,995,919	100.00%	29,393,158,598	100.00%
Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division Source for Population Data: U.S. Census Bureau, Population Division Source for Vehicle Miles Traveled: Utah Department of Transportation						

DUI-Related Arrest Rates by Population

The following table and figure illustrate the number of DUI-related arrests made in Utah by fiscal year, compared to the state’s population. While Utah’s population has continued to grow, the arrest rate for DUI-related offenses has declined steadily, with a 38 percent decrease since FY 2009.



Repeat Offenders by Type of DUI-Related Arrest

The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by identifying arrests that occurred in FY 2016 as a starting point, then counting back ten years to determine previous arrests. Each arrest was placed in a column determined by the type of the arrest or violation. Nearly 71 percent of arrests were for a first offense, almost 19 percent were for a second offense, almost seven percent were for a third offense, and about three percent were for a fourth or subsequent offense.

FY 2016 Arrest Type	Per se Alcohol (.08)/ Drug	Refusal of Chemical Test	Not a Drop (< 21)	Drug Metabolite	Commercial Driver (.04)	Unknown (no box marked)	TOTAL	
							Number	Percent
1 st	6,255	829	324	187	8	4	7,607	70.73%
2 nd	1,680	315	17	19	0	6	2,037	18.94%
3 rd	582	136	13	10	1	2	744	6.92%
4 th	189	66	1	1	0	1	258	2.40%
5 th	58	11	1	1	0	0	71	0.66%
6 th	24	1	0	0	0	0	25	0.23%
7 th	7	1	0	0	0	0	8	0.07%
8 th +	5	0	0	0	0	0	5	0.05%
TOTAL	8,800	1,359	356	218	9	13	10,755	100.00%

Source: Utah Department of Public Safety, Driver License Division

DUI-Related Crashes, Injuries and Fatalities

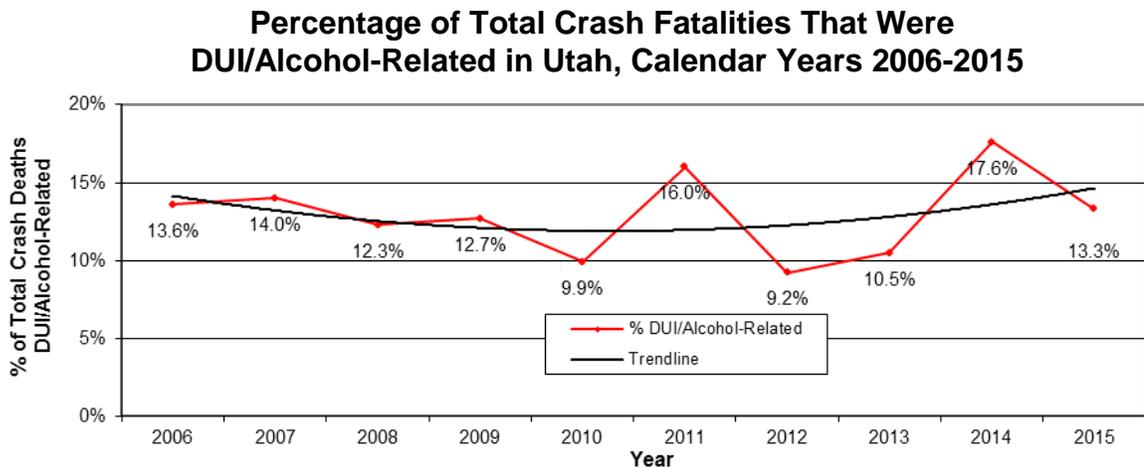
DUI/Alcohol-Related Crashes, Injuries and Fatalities

The following table shows the total number of DUI-related vehicle crashes involving alcohol for each calendar year from 2006 to 2015, including the number of persons injured and the number of persons killed as a result of the crashes. The number of crash fatalities involving drivers with a blood alcohol level of .08 or greater in Utah decreased from 45 in calendar year 2014 to 37 in calendar year 2015, a nearly 18 percent decrease.

DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah, CY 2006-2015									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/Alcohol Crashes*	Percent DUI/Alcohol	Total Injured Persons	DUI/Alcohol Injured Persons	Percent DUI/Alcohol	Total Crash Fatalities	DUI/Alcohol Fatalities**	Percent DUI/Alcohol
2006	56,187	2,488	4.4%	27,433	1,844	6.7%	287	39	13.6%
2007	61,245	2,718	4.4%	27,420	1,900	6.9%	299	42	14.0%
2008	56,367	2,330	4.1%	24,673	1,596	6.5%	276	34	12.3%
2009	51,367	2,019	3.9%	22,847	1,288	5.6%	244	31	12.7%
2010	49,368	1,723	3.5%	21,675	1,150	5.3%	253	25	9.9%
2011	52,287	1,662	3.2%	22,325	1,019	4.6%	243	39	16.0%
2012	50,600	1,727	3.4%	22,336	1,043	4.7%	217	20	9.2%
2013	55,637	1,736	3.1%	22,740	1,073	4.7%	220	23	10.5%
2014	54,036	2,128	3.9%	23,364	1,377	5.9%	256	45	17.6%
2015	60,012	2,021	3.4%	25,332	1,207	4.8%	278	37	13.3%

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

The figure below illustrates the trend in Utah’s DUI/alcohol-related crash fatalities over the past decade, from calendar years 2006 through 2015.



Source: Utah Department of Public Safety, Highway Safety Office

DUI/Alcohol-Related Fatalities by Population and Vehicle Miles Traveled

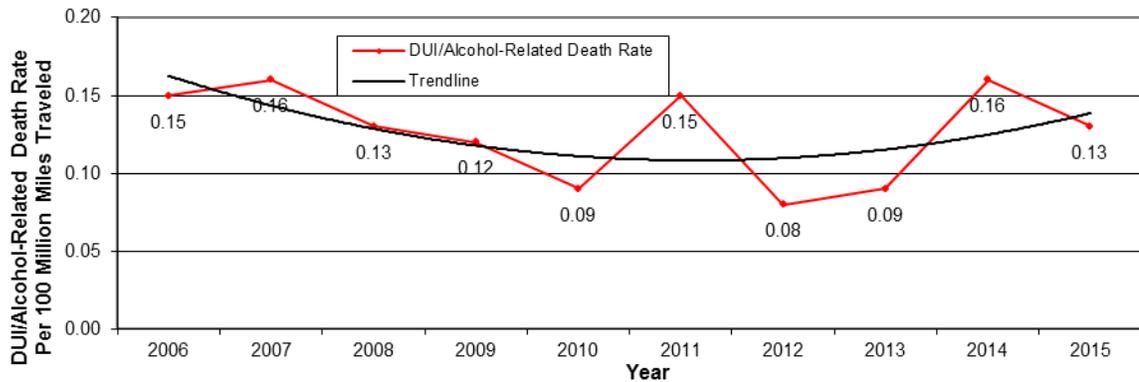
The following table shows the rates of DUI/Alcohol-related fatalities per 10,000 population and per 100 million vehicle miles traveled in Utah, for calendar years 2006 through 2015. The fatality rate decreased from CY 2014 to CY 2015 for both population and vehicle miles traveled.

Calendar Year	Rates of DUI/Alcohol-Related Fatalities per 10,000 Population and 100 Million Vehicle Miles Traveled in Utah, Calendar Years 2006-2015				
	DUI/Alcohol-Related Fatalities*	DUI/Alcohol-Related Fatality Rates per 10,000 Population		DUI/Alcohol-Related Fatality Rates per 100 Million Vehicle Miles Traveled	
		Population as of July 1	Rate	Vehicle Miles Traveled	Rate
2006	39	2,576,228	0.15	26,166,885,473	0.15
2007	42	2,636,077	0.16	26,824,244,333	0.16
2008	34	2,691,122	0.13	25,883,467,343	0.13
2009	31	2,731,558	0.11	26,217,108,843	0.12
2010	25	2,775,426	0.09	26,617,169,711	0.09
2011	39	2,816,440	0.14	26,379,900,505	0.15
2012	20	2,856,343	0.07	26,637,413,207	0.08
2013	23	2,903,685	0.08	27,014,745,900	0.09
2014	45	2,944,498	0.15	27,574,227,734	0.16
2015	37	2,995,919	0.12	29,393,158,598	0.13

Source: Utah Department of Public Safety, Highway Safety Office
 * DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$.

The figure below illustrates the rates of DUI/Alcohol-related fatalities in Utah for calendar years 2006 through 2015, per 100 million vehicle miles traveled. From CY 2014 to CY 2015, the DUI/Alcohol-related fatality rate per 100 million vehicle miles traveled decreased, from 0.16 to 0.13.

Rates of DUI/Alcohol-Related Fatalities in Utah, Per 100 Million Vehicle Miles Traveled, Calendar Years 2006-2015



Source: Utah Department of Public Safety, Highway Safety Office

DUI/Drug-Related Crashes, Injuries and Fatalities

The following table shows the number of vehicle crashes, injuries and fatalities involving drugs only (no alcohol or BAC less than .08). The most common types of drugs found in fatal drug-related crashes in CY 2015 were THC/Marijuana, Methamphetamine, and Hydrocodone. The number of DUI/drug-related crashes increased significantly, from 320 in CY 2014 to 701 in CY 2015, a 119% increase. In addition, the number of fatalities that were DUI/drug-related increased 76 percent, from 38 in CY 2014 to 67 in CY 2015, the highest number in the past nine years, and representing nearly a quarter of all crash fatalities in Utah in CY 2015.

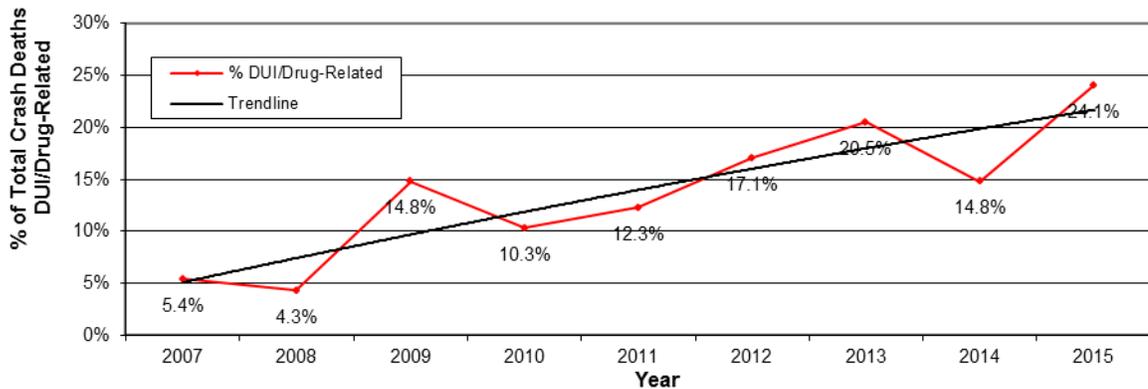
DUI/Drug-Related Crashes, Injuries and Fatalities in Utah, CY 2007-2015									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/Drug-Related Crashes*	Percent DUI/Drug-Related	Total Injured Persons	DUI/Drug-Related Injured Persons	Percent DUI/Drug-Related	Total Crash Fatalities	DUI/Drug-Related Fatalities*	Percent DUI/Drug-Related
2007	61,245	158	0.3%	27,420	113	0.4%	299	16	5.4%
2008	56,367	565	1.0%	24,673	428	1.7%	276	12	4.3%
2009	51,367	547	1.1%	22,847	443	1.9%	244	36	14.8%
2010	49,368	525	1.1%	21,675	382	1.8%	253	26	10.3%
2011	52,287	603	1.1%	22,325	388	1.7%	243	30	12.3%
2012	50,600	548	1.1%	22,336	383	1.7%	217	37	17.1%
2013	55,637	567	1.0%	22,740	393	1.7%	220	45	20.5%
2014	54,036	320	0.6%	23,364	660	2.8%	256	38	14.8%
2015	60,012	701	1.2%	25,332	459	1.8%	278	67	24.1%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.
 **DUI/drug-related fatalities include only drivers who tested positive for drugs and had a BAC of < .08.

Note: Drug presence does not necessarily imply impairment. For many drug types, drug presence can be detected long after any impairment that might affect driving has passed. Also, whereas the impairment effects for various concentration levels of alcohol is well understood, little evidence is available to link concentrations of other drug types to driver performance.

The figure below illustrates the trend in Utah’s DUI/drug-related crash fatalities from calendar years 2007 through 2015.

Percentage of Total Crash Fatalities That Were DUI/Drug-Related in Utah, Calendar Years 2007-2015



Source: Utah Department of Public Safety, Highway Safety Office

Adjudications
& Sanctions

3

Adjudications and Sanctions

DUI-related offenses are classified either as misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense. The Justice Courts, which are sponsored by municipalities and counties, handle offenses classified as class B misdemeanors. Offenses classified as class A misdemeanors and felonies are under the jurisdiction of the state's District Courts. A DUI offense is classified as a class A misdemeanor if it involves bodily injury, a passenger under 16, or a passenger under 18 if the driver is 21 or older. A DUI offense is classified as a third degree felony if it is a third or subsequent offense within 10 years, if it involves serious bodily injury, or if the person has any prior felony DUI conviction or automobile homicide conviction.

Justice Court DUI-Related Data

Justice Court DUI-Related Cases and Outcomes

The following table shows the outcomes of the 8,434 DUI-related cases in Utah's Justice Courts during FY 2016. There were 121 more cases than in the previous year. Fifty percent of the cases resulted in a guilty plea or verdict, with about 12 percent dismissed or not guilty. This table does not represent the actual DUI conviction rate, however, as it includes cases filed in previous fiscal years that were not resolved until FY 2016. In addition, 3,129 cases were still pending resolution at the close of FY 2016.

Justice Court DUI-Related Case Outcomes	FY 2014		FY 2015		FY 2016		% Change FY 15 – FY 16
	Number	Percent	Number	Percent	Number	Percent	
Guilty	4,764	57.0%	4,541	54.6%	4,251	50.4%	-6.4%
Dismissed or Not Guilty	805	9.6%	990	11.9%	1,054	12.5%	+6.5%
Cases Pending	2,791	33.4%	2,782	33.5%	3,129	37.1%	+12.5%
TOTAL	8,360	100.0%	8,313	100.0%	8,434	100.0%	+1.5%

Source: Utah Administrative Office of the Courts

Justice Court Data for DUI-Related Repeat Offenders

The Justice Courts also track how repeat offenders are handled. In the table on the following page, which includes data for fiscal years 2014, 2015 and 2016, 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 2016 for example, about 13 percent of offenders were charged with a second offense, while 16 percent were actually second-time offenders, and 15 percent were sentenced as second-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.

Justice Court Data for DUI-Related Repeat Offenders, Fiscal Years 2014-2016²									
Offense	Offense Was Charged As			Offense Was Actually			Offense Was Sentenced As		
	FY 14	FY 15	FY 16	FY 14	FY 15	FY 16	FY 14	FY 15	FY 16
1 st Offense	80.0%	85.0%	86.5%	80.2%	81.9%	82.9%	82.4%	84.2%	84.6%
2 nd Offense	16.5%	13.9%	13.2%	18.6%	17.2%	16.4%	17.3%	15.6%	15.2%
3 rd Offense	1.5%	0.5%	0.1%	0.8%	0.7%	0.6%	0.2%	0.1%	0.2%
4 th Offense	1.3%	0.2%	0.0%	0.2%	0.1%	0.1%	0.1%	0.0%	0.0%
5 th + Offense	0.7%	0.3%	0.1%	0.2%	0.1%	0.1%	0.0%	0.0%	0.0%
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: Utah Administrative Office of the Courts

Justice Court DUI-Related Case Information and Sanctions

Additional DUI-related case information collected by the Justice Courts is shown in the table below. The table includes data for those Justice Courts in the Courts Information System (CORIS). The data indicate in FY 2016 judges ordered offenders to complete an educational series in 2,342 cases, ordered substance use disorder treatment in 1,758 cases, and that ignition interlock devices were ordered in 625 cases.

Justice Court DUI-Related Case Information and Sanctions	FY 2014	FY 2015	FY 2016
Number of Justice Courts Providing Data	117	120	114
Blood/Breath Alcohol Content (BAC) Known	3,130	3,046	2,987
Substance Use Disorder Screening and Assessment	3,826	3,090	2,839
Substance Use Disorder Treatment Ordered	2,156	1,828	1,758
Educational Series Ordered	2,494	2,438	2,342
Ignition Interlock Ordered	728	586	625
Supervised (Non-Court) Probation	1,505	1,641	1,257
Electronic Monitoring	227	226	211
Enhancement Notification	1,682	2,635	3,889

Source: Utah Administrative Office of the Courts

² The cases in the table represent only those for which the number of the offense was known. In addition, the following cases were not included: bail forfeiture, deceased, declined, dismissed, not guilty, remanded, and transferred.

District Court DUI-Related Data

As shown in the table below, Utah's District Courts disposed 2,884 DUI-related cases during FY 2016, 516 more than in FY 2015.

DUI-Related Cases in Utah's District Courts	FY 2014	FY 2015	FY 2016	% Change FY 15 – FY 16
District Court Cases Disposed	2,104	2,368	2,884	+21.8%

Source: Utah Administrative Office of the Courts

District Court DUI-Related Case Outcomes

The table below shows case outcomes by Judicial District for the 2,884 DUI-related cases disposed by Utah's eight District Courts during FY 2016. Seventy-four percent of the cases resulted in a guilty plea or verdict, and the defendant was found not guilty in only two cases. Sixteen percent of the cases were dismissed. This table is not a depiction of the District Courts' actual conviction rate, however, as it includes only those cases that were disposed during FY 2016. Pending cases were not included.

FY 2016 District Court DUI-Related Case Outcomes by Judicial District										
DUI-Related Case Outcomes	Judicial District								Total	Percent
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th		
Deceased	1	2	5	2	3	0	0	0	13	0.5%
Declined Prosecution	0	0	0	2	1	0	0	0	3	0.1%
Dismissed	19	87	149	102	34	33	8	28	460	16.0%
Diversion	0	0	0	0	0	0	0	0	0	0.0%
Guilty	130	429	611	505	192	103	55	120	2,145	74.4%
No Contest	0	7	2	39	5	5	0	0	58	2.0%
Not Guilty	0	0	2	0	0	0	0	0	2	0.1%
Plea in Abeyance	7	5	2	5	3	4	0	2	28	1.0%
Remanded	2	1	64	2	18	1	1	3	92	3.2%
Transferred	0	3	34	45	0	0	0	1	83	2.9%
TOTAL	159	534	869	702	256	146	64	154	2,884	100.0%

Source: Utah Administrative Office of the Courts

District Court Data for DUI-Related Repeat Offenders

The District Courts also track how repeat offenders are handled. In the table on the following page, which includes data for fiscal years 2014, 2015 and 2016, 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 2016 for example, 17 percent of DUI offenders were charged with a second offense, while 21 percent were actually second-time offenders, and 21 percent were sentenced as second-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 Data for DUI-Related Repeat Offenders, Fiscal Years 2014-2016³									
Offense	Offense Was Charged As			Offense Was Actually			Offense Was Sentenced As		
	FY 14	FY 15	FY 16	FY 14	FY 15	FY 16	FY 14	FY 15	FY 16
1 st Offense	50%	59%	55%	50%	52%	48%	56%	58%	52%
2 nd Offense	17%	18%	17%	22%	24%	21%	19%	21%	21%
3 rd Offense	28%	19%	24%	22%	18%	25%	21%	18%	22%
4 th Offense	4%	2%	3%	4%	4%	4%	3%	2%	4%
5 th + Offense	1%	2%	1%	2%	2%	2%	1%	1%	1%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Utah Administrative Office of the Courts

District Court DUI-Related Case Information and Sanctions

Other DUI-related case information, including sanctions ordered, is also collected by the District Courts. The table below includes the FY 2016 data for those cases where the values were known. The table shows judges ordered offenders to complete an educational series in 368 cases, ordered substance use disorder treatment in 1,196 cases, and that ignition interlock devices were ordered in 421 cases.

District Court DUI-Related Case Information and Sanctions	FY 2014	FY 2015	FY 2016
Blood/Breath Alcohol Content (BAC) Known	411	563	690
Substance Use Disorder Screening and Assessment	622	754	1,002
Substance Use Disorder Treatment Ordered	616	799	1,196
Educational Series Ordered	258	289	368
Ignition Interlock Ordered	265	283	421
Supervised (Non-Court) Probation	830	979	1,390
Electronic Monitoring	109	148	213
Enhancement Notification	100%	100%	100%

Source: Utah Administrative Office of the Courts

The DUI Sentencing Matrix included at the end of this report provides detailed information regarding DUI-related offense classifications and sanctions.

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



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 of alcohol and/or other drugs
- Driving with any measurable controlled substance or metabolite in the body
- Not a Drop violation (persons under 21 years of age)
- 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 a DUI-related offense, 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 4,442 requested alcohol hearings held in FY 2016. 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 2,399 of the cases, at least one of the parties called in for the hearing.

FY 2016 Alcohol Hearing Statistics						
ACD Code	Total # of Hearings	No Officer/ No Action	No Officer Telephonic	Other No Action	Total No Action	Total Telephonic
Per Se	3,800	761	264	458	1,483	2,050
Not a Drop	70	15	5	6	26	53
Refusal	572	89	36	52	177	296
TOTAL	4,442	865	305	516	1,686	2,399

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-related 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 drugs, 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 use, 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 use disorder treatment.⁴ The following table shows the orders for substance use disorder screening and assessment by the District and Justice Courts in FY 2016, for those cases where the values were known.

Substance Use Disorder Screening and Assessment Ordered by the Courts	FY 2014	FY 2015	FY 2016
Justice Courts	3,826	3,090	2,839
District Courts	622	754	1,002

Source: Utah Administrative Office of the Courts

Education

For a first DUI-related 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 purpose of DUI education is to “address any problems or risk factors that appear to

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.

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® (PFL) program developed by the Prevention Research Institute (PRI). “PRIME For Life® is a motivational intervention that provides education and strategies for individuals who have experienced problems due to high-risk alcohol or drug use. PFL is an interactive experience designed to motivate and guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support those low-risk choices. The program provides research-based, low-risk guidelines and assists participants in making choices to best protect what they value.”⁶

The following table shows the orders for the educational series by the Justice and District Courts in FY 2016, for those cases where values were known.

Educational Series Ordered by the Courts	FY 2014	FY 2015	FY 2016
Justice Courts	2,494	2,438	2,342
District Courts	258	289	368

Source: Utah Administrative Office of the Courts

Treatment

For a first and second DUI-related offense, the court *may* order treatment; for a third or subsequent offense within 10 years, the court *must* order substance use disorder 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. 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.”⁷ Treatment should address both alcohol and other substance use disorders. 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 use disorder. The table below shows the orders for substance use disorder treatment by the Justice and District Courts in FY 2016, for those cases where the values were known.

Substance Use Disorder Treatment Ordered by the Courts	FY 2014	FY 2015	FY 2016
Justice Court	2,156	1,828	1,758
District Court	616	799	1,196

Source: Utah Administrative Office of the Courts

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

⁶ Stafford, P., Beadnell, B., Rosengren, D.B., Carter-Lunceford, C., & Huynh, H. (2012, April). *PRIME For Life UTAH 2011 Evaluation Report Executive Summary*. Lexington, KY: Prevention Research Institute.

⁷ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.



Utah's Impaired Driving Media Campaign

The Utah Department of Public Safety's Highway Safety Office conducts a statewide mass media campaign that supports planned DUI saturation patrols, melding its message into these successful, high visibility enforcement efforts. The primary goal of this media campaign is to reduce the incidence of impaired driving in Utah by raising awareness of the dangers of driving under the influence. The campaign focuses on community mobilization, bringing together law enforcement, media, local businesses, and community officials to share the prevention message and curb impaired driving. The campaign also aims to educate Utah's citizens about DUI, one of America's most frequent and deadliest crimes. <http://drivesober.org/>



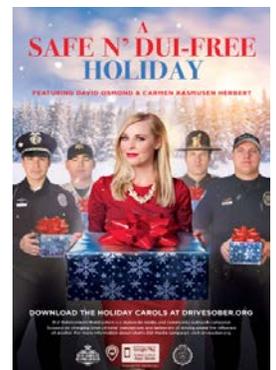
Partnership with Fashion Place Mall
Holiday DUI Sing-Along



Partnership with Sky SLC and
Other Local Bars at Halloween



Partnership
with
Local Bars
on
St. Patrick's
Day



Partnership with Salt Lake Trolley
on 4th of July



UTAH DUI SENTENCING MATRIX

(Current as of May 10, 2016)

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 48 hours electronic home confinement ²	SHALL order: 240 consecutive hours OR 240 hours compensatory service OR 240 hours electronic home confinement ²	SHALL order: 0-5 year prison term OR 1,500 hours jail (62.5 days) OR 1,500 hours electronic home confinement ²
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, 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
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 	SHALL 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 	SHALL 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 ankle attached continuous transdermal alcohol monitoring device 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 ankle attached continuous transdermal alcohol monitoring device 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 ankle attached continuous transdermal alcohol monitoring device 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, 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

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 or metabolite 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	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSES WITHIN 10 YEARS
Driver License Denial, Suspension, or Revocation		
Driving Under the Influence/ DUI Conviction (§41-6a-509)	If 21 or older: 120 days If 19-20: Longer of one year or until 21 st birthday If under 19: Until 21 st birthday 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.	If 21 or older: 2 years If 19-20: Longer of 2 years or until 21 st birthday If under 19: Until 21 st birthday
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	If 21 or older: 120 days If 19-20: Longer of one year or until 21 st birthday If under 19: Until 21 st birthday 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.	If 21 or older: 2 years If 19-20: Longer of two years or until 21 st birthday If under 19: Until 21 st birthday
Refusal of Chemical Test (§41-6a-521)	If 21 or older: 18 months If under 21: Longer of 2 years or until 21 st birthday	If 21 or older: 36 months If under 21: Longer of 36 months or until 21 st birthday
Per se Arrest (§53-3-223) <small>≥ .08 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system</small>	If 21 or older: 120 days If under 21: 6 months	If 21 or older: 2 years If under 21: Longer of 2 years or until 21 st birthday
Not A Drop (§53-3-231) <small>A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body</small>	If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months	If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21 st birthday
Failure to Install or Removal of Ignition Interlock Device (§53-3-1007)	An individual who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an ignition 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 ignition interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.	
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 system.</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) <small>Note: If all offenses are for Controlled Substance/Metabolite convictions, IRD does not apply.</small>	
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.</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) <small>Note: If Per se is drug only or metabolite, ARD does not apply.</small>	



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