

UTAH DUI SENTENCING MATRIX

(Effective July 1, 2011)

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 electronic home confinement ²	SHALL order: 240 consecutive hours OR 240 hours compensatory service OR electronic home confinement ²	SHALL order: 0-5 year prison term OR 1,500 hours jail (62.5 days) MAY order: Electronic home confinement ²
Fine: (§41-6a-505)	SHALL order: \$700 minimum plus surcharge	SHALL order: \$800 minimum plus surcharge	SHALL order: \$1,500 minimum plus surcharge, unless 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 • Intensive treatment or inpatient treatment and aftercare for not less than 240 hours, 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 	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 	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
High BAC: (.16 or higher) (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> • Supervised probation³ • Treatment and interlock⁴ 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 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 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)	<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* or 2 years** 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 19-20: 6 months</p> <p>If under 19: 2 years</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: 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 19-20: Until successful completion of substance abuse program recommendation, but not less than 6 months</p> <p>If under 19: Until successful completion of substance abuse program recommendation, but not less than one year</p>	<p>If 19-20: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday</p> <p>If under 19: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday</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 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) <p><small>Note: Abeyances count as convictions, as defined in §41-6a-501; if all offenses are for Controlled Substance/Metabolite convictions, IRD does not apply</small></p>	
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) <p><small>Note: Abeyances count as convictions as stated in §53-3-229, excluding ARD and IRD abeyances; if Per se is drug only or metabolite, ARD does not apply</small></p>	