

# 2022



UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

## **20<sup>th</sup> Annual DUI Report to the Utah Legislature**

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## **Acknowledgements**

The Utah Commission on Criminal and Juvenile Justice gratefully acknowledges the following agencies for providing the data for this report: the Administrative Office of the Courts; and the Utah Department of Public Safety's Highway Patrol, Driver License Division, and Highway Safety Office.

Special thanks to Kim Gibb, Robyn LaLumia, Barbra Freeman, Lynda Hansen, Jill Sorensen, Tara Zamora, and the Administrative Office of the Courts for their contributions and assistance in preparing this report.

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*Statistical Note: Data in this report are current as of October 1, 2022, unless otherwise noted. Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.*

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# Profile of a Typical Utah DUI Offender in FY 2022

## **Arrested for a *per se* violation (82%)**

Driver had a .05 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



## **Arrested by a municipal law enforcement officer (58%)**



## **Male (74%)**



## **Age 25-36 (37%)**



**Had a blood/breath alcohol concentration (BAC) between .11-.15  
(26% of those tested with results reported)**



**Arrested on the Wasatch Front in Weber, Davis, Salt Lake or  
Utah County (66%)**



**First-time arrestee (71%)**



**Convicted of DUI  
(81% in Justice Court; 81% in District Court)**



# Executive Summary

## DUI in Utah: CY 2021 / FY 2022

### Law Enforcement: DUI-Related Arrests & Enforcement Activities

- 10,413 DUI-related arrests were made in FY 2022, 206 fewer (-2%) than in FY 2021.
- Despite arrest numbers stabilizing recently, Utah's DUI-related arrest rate (31.2 per 10,000 population) has declined steadily over the past 10 years, with a 27% decrease since FY 2013 (associated with 1,814 fewer arrests in FY 2022 than in FY 2013), even as the population has greatly increased in the same time (17% increase in statewide population).
- The majority of arrests occurred along the Wasatch Front, with Salt Lake, Davis, Utah, and Weber Counties accounting for 66% of the total. While counties outside the Wasatch Front only accounted for 34% of the total, this was disproportionate to their population (25%).
- DUI-related arrests in FY 2022 displayed the following characteristics:
  - 74% of arrestees were male (24% female, with 2% unspecified).
  - 37% of arrestees were between 25-36 years of age, followed by 24% 37-48, 13% 21-24, 15% 49 and older, and 11% under 21.
  - The majority of arrests (58%) were made by city/municipal police departments, with the rest split between Utah Highway Patrol (29%) and county sheriff's offices (13%).
  - Half (50%) of the arrests did not have a BAC reported, and 13% of arrestees refused testing. Of those tested with a BAC reported, 41% exceeded .15. Additionally, 8% fell between .05-.07, a slight decrease from FY 2021 in the third full fiscal year under the new statutory level (.05) in effect since January 2019.
  - It was the first DUI-related arrest for 71% of arrestees, with 19% having one prior arrest and another 10% having two or more prior arrests for DUI.
- The 11% of arrestees under the age of 21 is consistent with previous years, and the 1,145 total arrests in this category are down 11% from FY 2021 (lowest since FY 2019).
- Changing the statutory BAC level to .05 has not led to a significant increase in DUI arrests to date, though arrest numbers have stabilized in the three years since the change.
- Consistent with previous years, 82% of the arrests were for per se violations where the driver had a blood/breath alcohol concentration (BAC) over the legal limit (now .05), or was impaired by alcohol, other drugs, or a combination of the two to the extent it was unsafe to operate a vehicle.
  - Drug metabolite arrests, which had increased sharply from FY 2014-18, decreased sharply (-74%) once again in FY 2022 to only 22 (now down 94% since FY 2018).
- Arrests included 1,367 made during specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI sobriety checkpoints that involved law enforcement agencies throughout the state. These overtime shifts were down in FY 2022.

## DUI and Drug-Related Crashes, Injuries, and Fatalities

- The numbers of DUI/*alcohol*-related fatalities increased in CY 2021 for the second straight year; alcohol-related crashes and injured persons remained stable.
  - Fatalities jumped 27% to 61 in CY 2021 (from 48 in CY 2020); crashes increased slightly (+3%) to 918 (from 895), while injuries decreased slightly (-7%) to 313 (from 336).
- DUI/*drug*-related fatalities continued to increase in CY 2021 for the seventh consecutive year, even while crashes and injured persons both decreased significantly.
  - Drug-positive driver fatalities increased 7% from 118 in CY 2020 to 126 in CY 2021. These fatalities have increased more than three-fold (+241%) over the past ten years.
  - Crashes decreased 22% to 188 in CY 2021 (from 242 in 2020).
  - Injuries decreased 36% in CY 2021 to 41 (from 64 in 2020).
- The most common drug types found in drug-positive driver fatalities in CY 2021 were stimulants (e.g., methamphetamine); marijuana/THC; depressants (e.g., sedatives); and opioids (e.g., oxycodone).
- Crash fatalities in Utah overall were up significantly in 2021 (+52 (19%) over 2020, and +80 (32%) since 2019), and almost 60% of fatalities are now related to alcohol or drugs.

## Courts: Adjudications and Sanctions

- In FY 2022, there were 7,650 DUI-related cases disposed by Utah's Justice Courts.
  - 81% resulted in a guilty plea or verdict.
- In FY 2022, there were 3,202 DUI-related cases disposed by the state's District Courts.
  - 81% resulted in a guilty plea or verdict.

## Courts: Orders for Assessment, Treatment, and Education

- Justice Court judges ordered offenders to undergo a substance use disorder screening and assessment in 4,783 cases (77% of guilty), ordered substance use disorder treatment in 3,272 cases (53%), and ordered an educational series in 2,879 cases (47%).
- District Court judges ordered offenders to undergo a substance use disorder screening and assessment in 1,383 cases (54% of guilty), ordered substance use disorder treatment in 1,555 cases (60%), and ordered an educational series in 502 cases (19%).
- Treatment orders have generally increased over the past ten years in both courts.

## Driver License Control

- 3,436 hearings were conducted in FY 2022 (up 2%) to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.
  - 3,076 (90%) involved at least one of the parties calling in for the hearing.
  - In 1,334 (39%) of the cases, no action could be taken against the driver due to the absence of the arresting officer at the hearing or other factors.



## Purpose of the Report

The *20<sup>th</sup> Annual DUI 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.



## 1

**DUI Policy in Utah**

The Utah Legislature establishes policy for dealing with driving under the influence of alcohol and other drugs through the passage of bills that are enacted into law. This section summarizes the bills passed by the 2022 Utah Legislature and their impact on DUI policy in Utah.

## 2022 DUI-Related Legislation

### **H.B. 29 Driving Offenses Amendments**

#### ***Representative Cheryl Acton***

- This bill is a realignment of the codes concerning the operation of the driving while under the influence of drugs or alcohol or while having any measurable controlled substance and automobile homicide and reclassifies automobile homicide as a negligent operation resulting in death. This aligns the different sections of code that were conflicting in the past and the penalties are now consistent regardless of drug and/or alcohol that is present in the system. The bill also includes a coordination clause to ensure that expungements are not applied mistakenly to already existing automobile homicides.

### **H.B. 137 DUI Amendments**

#### ***Representative Steve Eliason***

- This bill addresses some previous incongruous language relating to blood alcohol content to be included with breath alcohol content tests for those DUIs that would have enhanced penalties. The bill also addresses Class A misdemeanors for refusals of being tested and addresses the ability to suspend all requirements rather than the intention of the suspension of jail time. Finally, the bill addresses autonomous drivers and that a without a valid license is still subject to traffic laws.

### **H.B. 143 DUI Penalty Amendments**

#### ***Representative Merrill Nelson***

- HB 143 increases a second DUI in ten years from a Class B to a Class A misdemeanor. The bill will move the offense from a local justice court (a court not of record), to a state district court, which will allow courts to order AP&P supervision [Utah Code §77-18-105(5)]. This bill will also allow appellate courts to review more DUI convictions and improve case law for DUI in Utah [78A-7-118(1)&(8)].



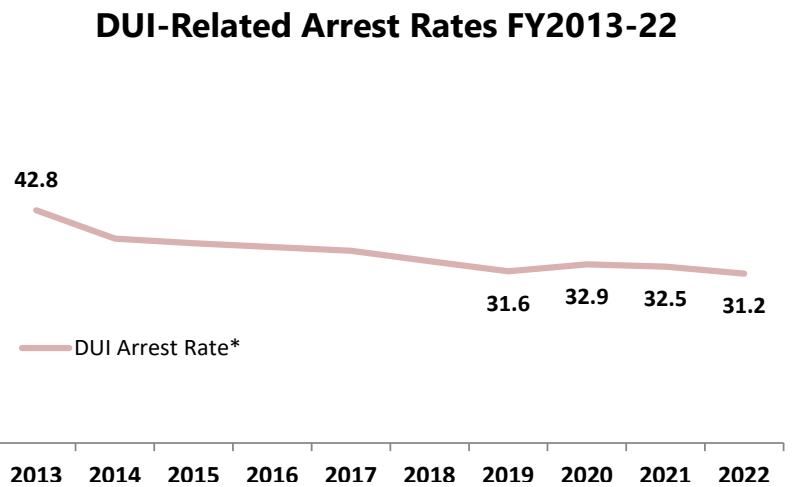
# 2

## Law Enforcement Activities

### DUI-Related Arrests

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI-related arrests. In FY 2022, law enforcement officers made 10,413 arrests, 206 fewer (-2%) than in FY 2021. While Utah’s population has continued to grow, the arrest rate for DUI-related offenses has declined steadily, with a 27% decrease over the past ten years (associated with 1,814 fewer arrests than FY 2013).

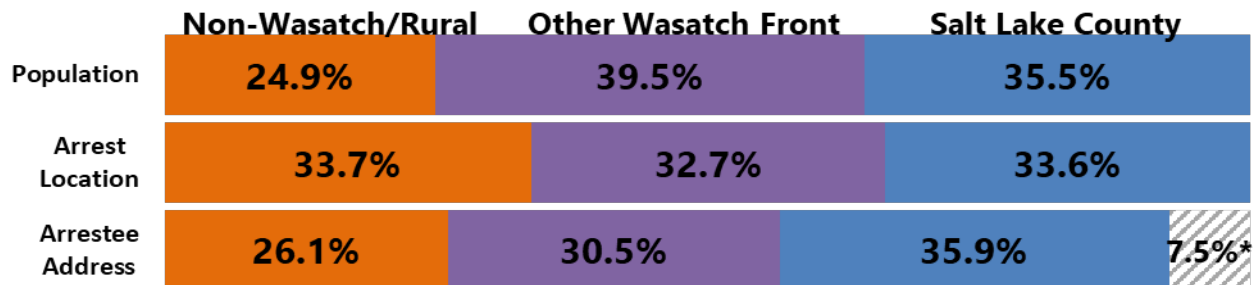
Utah DUI-Related Arrest Rates by Population, FY 2013 - FY 2022			
Fiscal Year	DUI-Related Arrests	Population as of July 1	DUI-Related Arrest Rate*
2013	12,227	2,853,467	42.8
2014	10,901	2,897,927	37.6
2015	10,802	2,937,399	36.7
2016	10,755	2,982,497	36.0
2017	10,762	3,042,613	35.3
2018	10,383	3,103,118	33.5
2019	9,995	3,161,105	31.6
2020	10,532	3,205,958	32.9
2021	10,619	3,271,616	32.5
<b>2022</b>	<b>10,413</b>	<b>3,337,975</b>	<b>31.2</b>



Source of DUI-Related Arrest Data: Utah Department of Public Safety, Driver License Division  
 Source of Population Data: U.S. Census Bureau, Population Division (**estimates** are as of July 1 of calendar year preceding fiscal year, though note that 2021 is based off the **actual** 2020 Census number from April 2020)  
 \*DUI-related arrest rate is the number of DUI-related arrests per 10,000 population.

### Arrests by County & Region

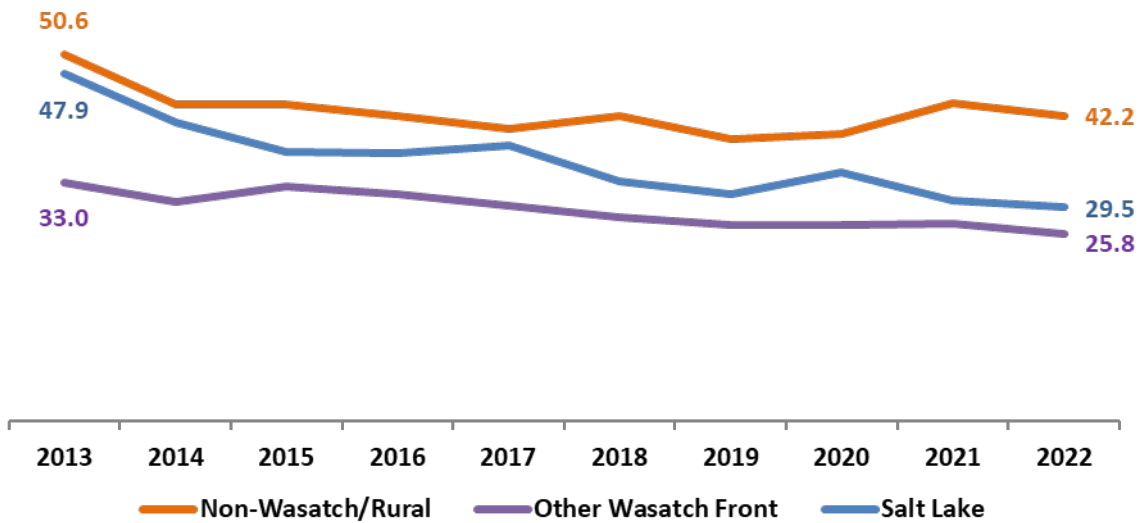
Consistent with past years, the majority of DUI-related arrests during FY 2022 occurred along the Wasatch Front, with Weber, Davis, Salt Lake, and Utah Counties accounting for 66% (6,903) of the total. Salt Lake County had the highest number of arrests with 3,501 (34%) (see Table A1 in the Appendix for all FY 2022 data by county, as well as a comparison of arrest percentages to total population). The chart below breaks the FY 2022 arrests down by region of the state (both arrest location and address of arrestee) compared to population.



Note: "Other Wasatch Front" = Davis, Utah, and Weber counties; "Non-Wasatch/Rural" = all other counties outside the Wasatch Front (\*out of state)

The previous figure shows an over-representation of DUI-related arrests outside the Wasatch Front (33.7% of arrests, 26.1% of residents), relative to the total population in the region (24.9% of the total population). Additionally, the figure below shows the DUI-related arrest rate trends over time (FY 2013-22) by region of the state. Consistent with the previous figure, the highest arrest rates in FY 2022 were outside the Wasatch Front (42.2 per 10,000 population), followed by Salt Lake County (29.5), and Davis/Utah/Weber counties (25.8). As with the overall rates for Utah seen on the previous page, the rates in each region have seen a downward trend over the past ten years. Salt Lake County has shown the sharpest decline over ten years (see [Table A2](#) in the Appendix for all the rate data by county and region).

### DUI-Related Arrest Rates\* by Region FY2013-22



Note: "Other Wasatch Front" = Davis, Utah, and Weber counties; "Non-Wasatch/Rural" = all other counties outside the Wasatch Front.  
 \*DUI-related arrest rate is the number of DUI-related arrests per 10,000 population; rates are based on location of the arrest.

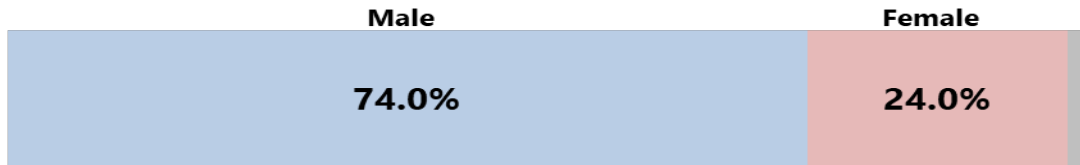
### Characteristics of FY 2022 DUI-Related Arrests

The figures on the next page show some characteristics of DUI-related arrests, including:

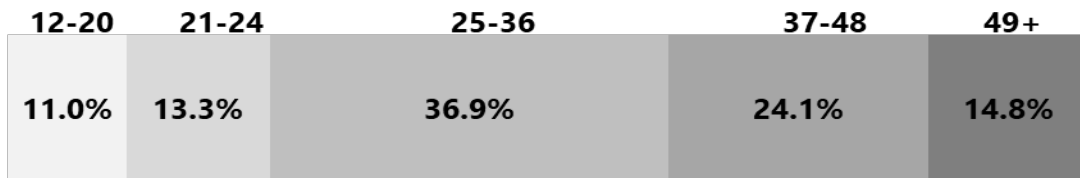
- **Gender:** 74% of arrestees were male, while 24% were female (an additional 2% of arrests did not have gender specified; see [Table A3](#) in the Appendix).
- **Age:** Drivers ages 25-36 accounted for 37% of all arrests, followed by 24% for ages 37-48. 11% of arrestees were under the legal age of 21 (see p.12 for more on this, and see [Table A4](#) for full data).
- **Arresting Agency:** 58% of all arrests were made by municipal law enforcement agencies, with Utah Highway Patrol responsible for 29% and county sheriffs' offices responsible for 13% (see [Table A5](#)).
- **Blood/Breath Alcohol Concentration (BAC):** Half (50%) of the arrests did not have a reported BAC, while another 13% refused the BAC test. Of those arrests with BAC reported, 41% exceeded .15 (the highest BAC recorded was .46), while 26% fell between .11-.15, 13% between .08-.10, 8% between .05-.07, and 12% under .05 (see [Table A6](#)). Arrests with BACs between .05-.07 continued to decrease this year (see p.12).
- **Repeat Offenders:** 71% of arrests were for a first offense, 19% had one prior offense, and 10% were for a third or subsequent offense (see [Table A7](#) for more data by violation type).

- **By Month:** DUI-related arrests remained consistent throughout FY 2022, with an average of 868 arrests per month and no months above 1,000 and only one below 800. The highest number of arrests occurred in July (962), with the lowest number of arrests in December (783; see [Table A8](#)).

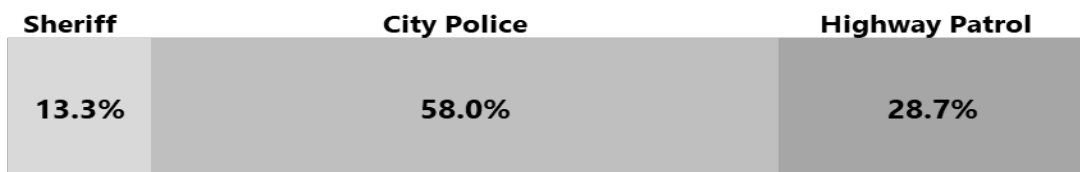
**Gender**



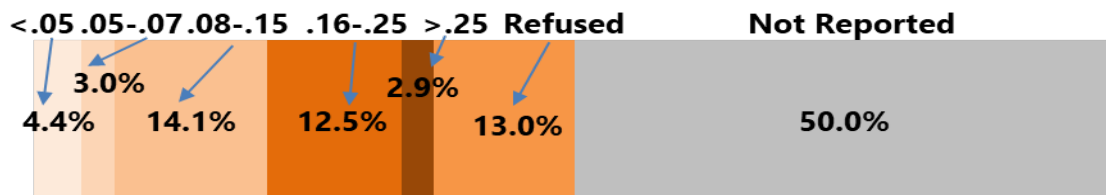
**Age**



**Arresting Agency**



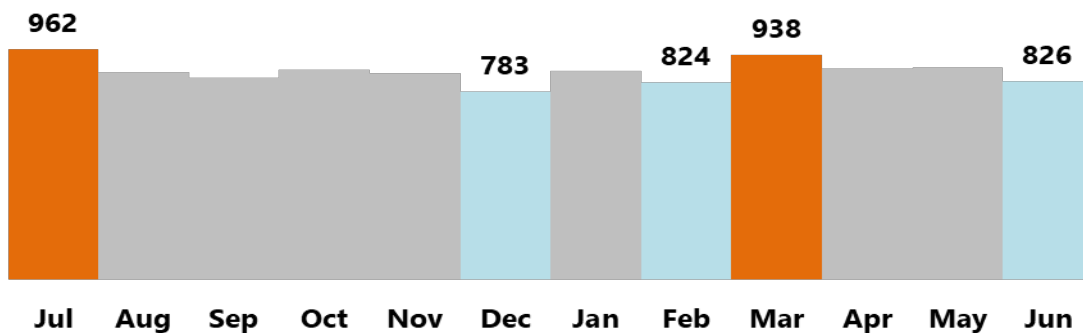
**Blood/Breath Alcohol Content (BAC; See Figure A1)**



**First-Time vs. Repeat Offenders**



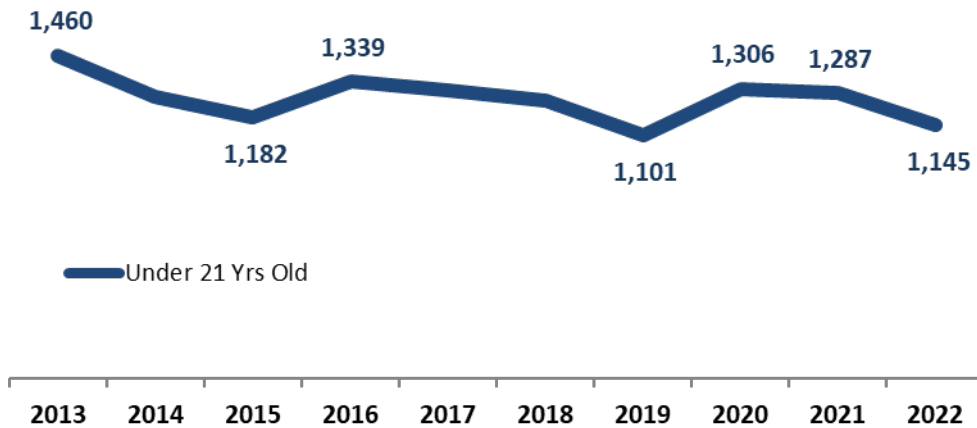
**Month of Arrest**



### Underage DUI-Related Arrests

As seen on the previous page, 11% of the DUI-related arrests were offenders under the legal drinking age of 21. This percentage of the overall arrests is consistent with recent years (see [Table A4](#)), and the 1,145 total arrests in this category are down from FY 2020-21 (1,306 and 1,287 arrests respectively) and more in line with the 10-year low in FY 2019 (1,101).

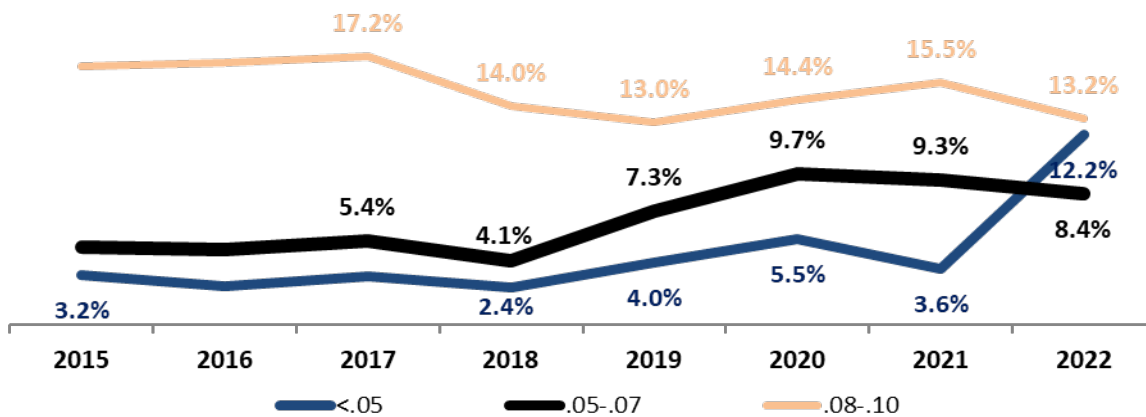
**Under 21 DUI-Related Arrests FY2013-22**



### Impacts of Decreasing the Legal BAC Limit to .05

Arrests by BAC Level. The recent upward trend in arrests with a BAC below .08 stabilized starting in FY 2021. The per se legal limit was moved on December 30, 2018 to include BACs in the .05-.07 range, and 8.4% of arrests with a reported BAC in FY 2022 were in this range (down from 9.7% in FY 2020, but up from 4.1% in FY 2018, the last full FY before the limit was decreased). Reported BAC levels in the highest ranges have decreased. It should be noted that the data below are only based on arrests where the BAC was reported or obtained (50% had no BAC reported and 13% of arrestees refused a BAC test, consistent with previous years).

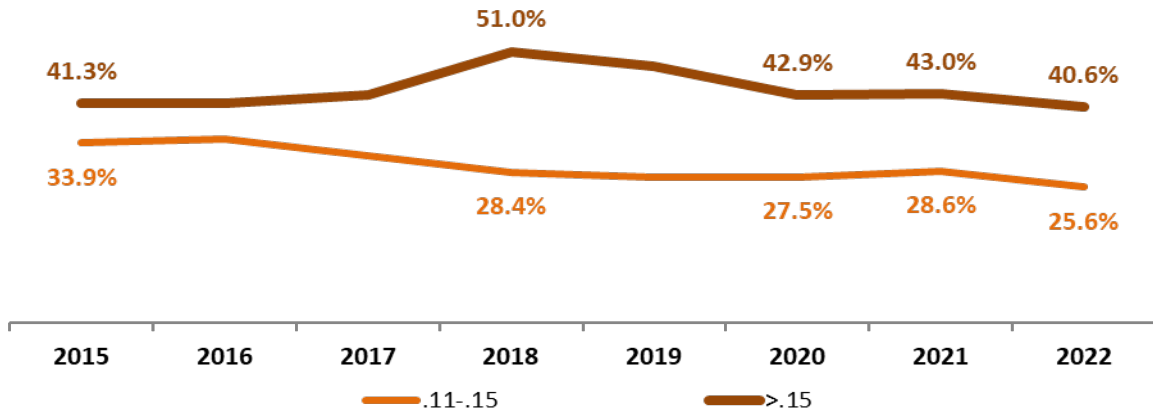
**BAC Levels Reported\* in DUI-Related Arrests FY2015-22 - Lower Ranges**



\*Note: Specific BAC levels are only generally reported in around half of cases. Data distinguishing <.05 and .05-.07 not available pre-FY2015.



### BAC Levels Reported\* in DUI-Related Arrests FY2015-22 - Higher Ranges

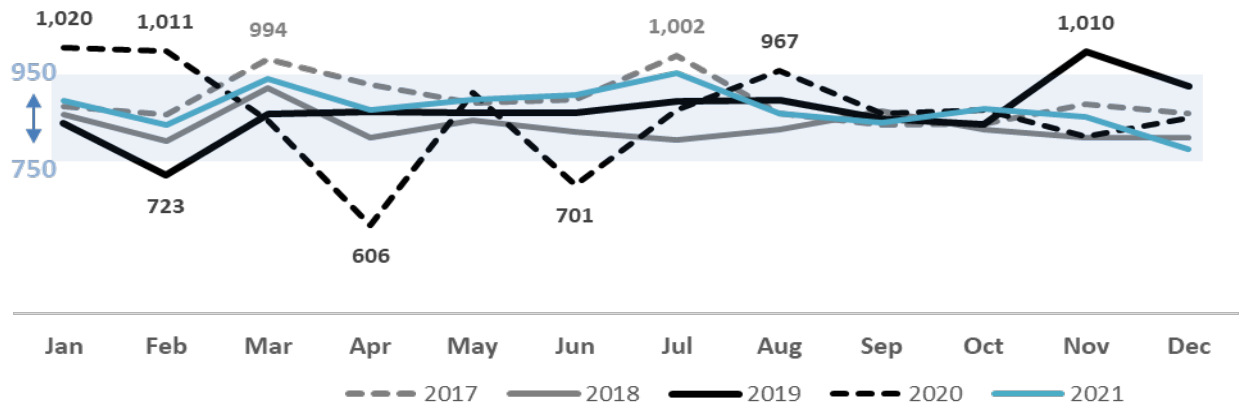


\*Note: Specific BAC levels are only generally reported in around half of cases. Data distinguishing <.05 and .05-.07 not available pre-FY2015.

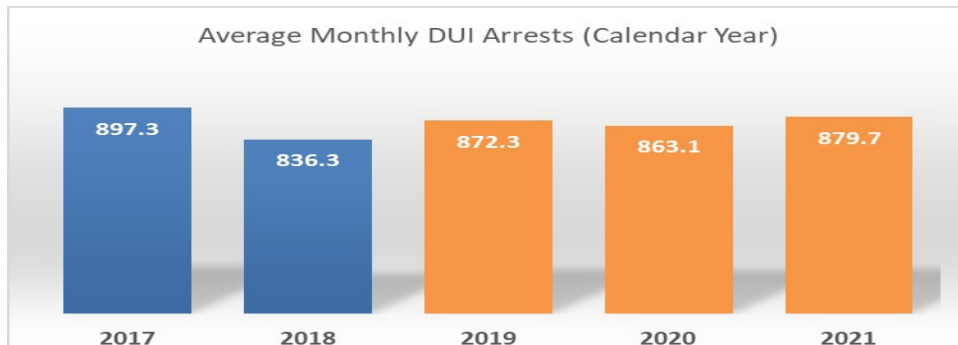
Analysis of Monthly Arrests Before and After Change. Looking closer at the DUI arrests by month before and after the statute change took effect, there is no definitive evidence that it has led to a significant increase in arrests. With only a few exceptions before and after, the number of arrests per month has been consistently in the range of 750 to 950 from January 2017 to December 2021. The average monthly arrest increased slightly from 836 in CY 2018 to 872 in CY 2019 and 880 in CY 2021, but all three years since have been lower than the average in 2017 (897).

### DUI Arrests by Month 2017-21

New DUI Statute Effective 1/1/19 - Gray Lines Pre/Black Lines Post  
(\*most recent calendar year blue)



### Average Monthly DUI Arrests (Calendar Year)

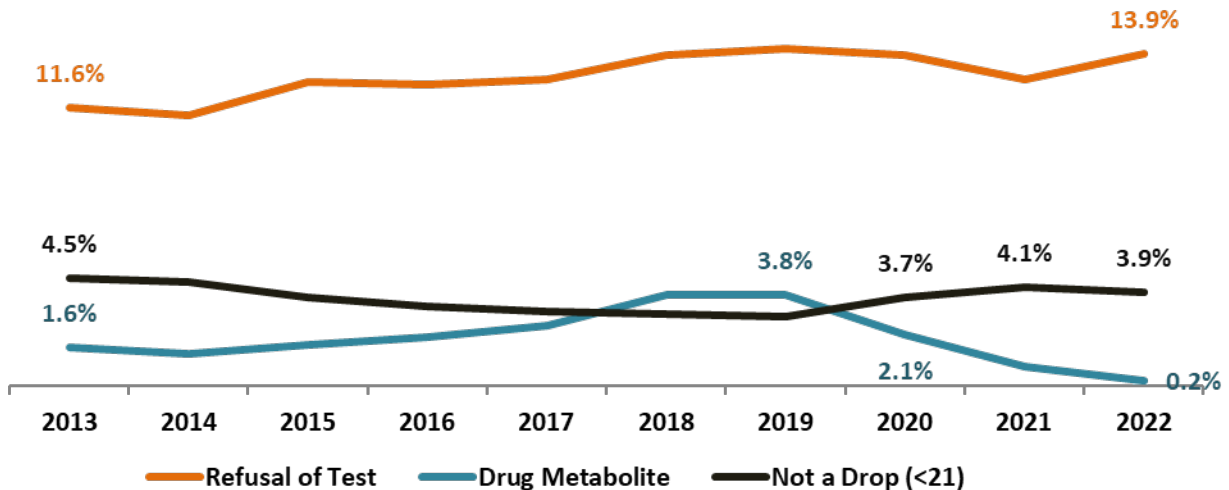


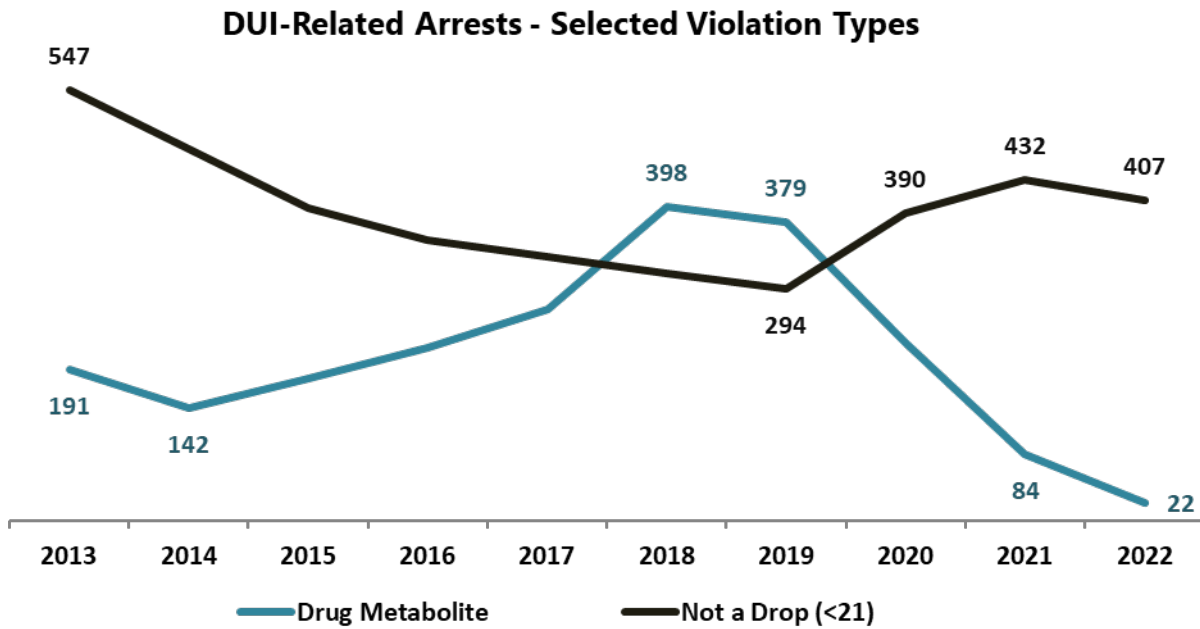
### Arrests by Violation Type

The distribution of DUI-related arrests by type of violation in FY 2022 was similar to previous years (see [Table A9](#) in Appendix), with the vast majority (82%) for **per se violations**. Per se violations occur when the driver has a blood/breath alcohol concentration (BAC) greater than the legal limit (.05 as of December 30, 2018), or is impaired by alcohol, drugs, or a combination of the two to the extent it is unsafe to operate a vehicle. 14% of arrests were for **refusal to submit to a chemical test** – 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. 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 4% of the arrests (similar to FY 2020-21). It is also illegal to drive with any measurable controlled substance or **metabolite of a controlled substance** in a person’s body – this accounted for less than 1% of arrests, continuing a downward trend from 4% in FY 2019. Arrests of **commercial drivers** exceeding the .04 limit also represented less than 1% of the total.

The figures below show how the distribution of violation types has varied over the past ten years (per se violations were left out, as these have not varied much from an average of 81% over this period). Arrests involving violations of the Not a Drop statute (< 21 years old) have remained fairly stable as a percentage of overall arrests over the past ten years, while those involving a positive drug metabolite test have decreased in the past three years. The second figure shows the raw number of arrests for drug metabolite and Not a Drop violations. After more than doubling from FY 2014 to FY 2018, drug metabolite arrests in FY 2022 were at a ten-year low. In contrast, while Not a Drop arrests are still well below the number from ten years ago in FY 2013, the 407 arrests for this statute in FY 2022 were still up 38% from the low point in FY 2014.

DUI-Related Arrest Violation Type % FY2013-22





Source: Utah Department of Public Safety, Driver License Division

## DUI Overtime Enforcement Events

The arrests made in SFY 2022/FFY 2022 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. 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. The total DUI shifts worked were down slightly (-3%) from 2021 levels, though they have still increased significantly (+76%) over a ten year period, with vehicles stopped (+26%) and all other indicators increasing during that time as a result.

Statewide DUI Overtime Enforcement Events	State-Funded	Federally-Funded	Totals
	SFY 2022*	FFY 2022*	
DUI Shifts Worked	3,488	559	4,047
Vehicles Stopped	28,279	4,919	33,198
DUI Arrests**	1,227	140	1,367
Vehicles Impounded	1,091	127	1,218
Alcohol-Related Arrests***	795	89	884
Drug-Related Arrests****	1,318	148	1,466
Warrants Served	675	110	785
Other Warnings/Citations	30,814	4,982	35,796
Designated Drivers Observed/Documented	212	25	237

Source: Utah Department of Public Safety, Highway Safety Office  
 \*SFY 2022 = July 1, 2021 – June 30, 2022; FFY 2022 = October 1, 2021 – September 30, 2022  
 \*\*Includes 795 DUI/alcohol-related, 459 DUI/drug-related, and 113 DUI/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)



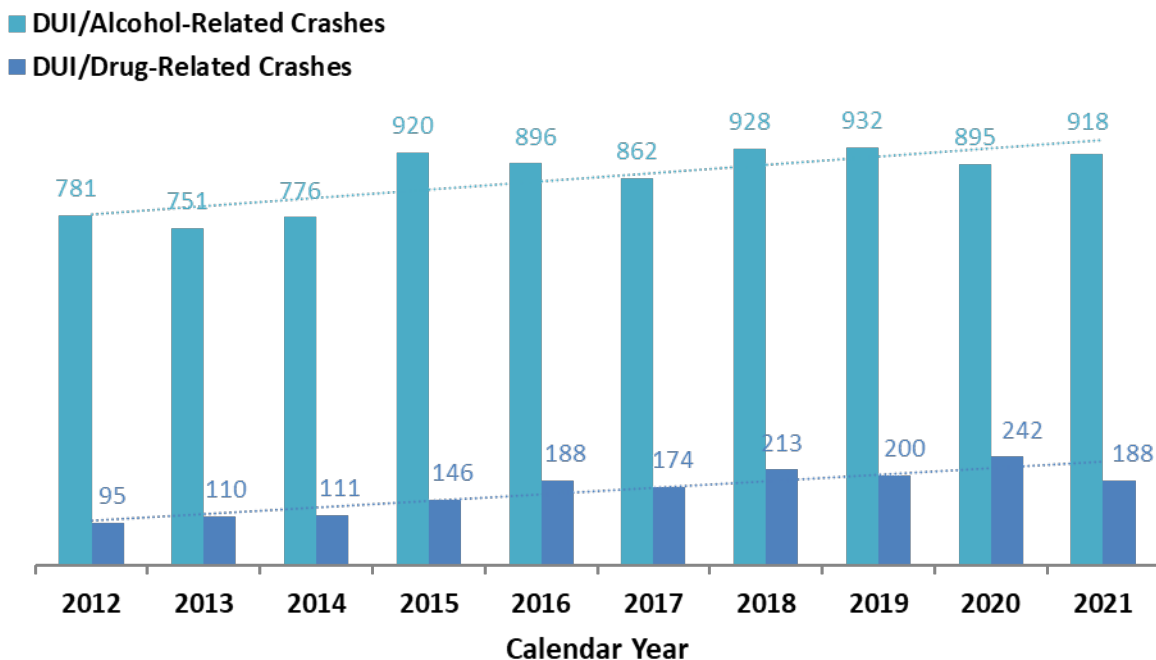
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## Crashes, Injuries, & Fatalities

Each year, the Department of Public Safety’s Highway Safety Office tracks the number of crashes, injuries, and fatalities related to DUIs involving both alcohol and drugs (see [Tables A10 and A11](#) in the Appendix for the full data tables for each). The following three sections will discuss each of these separately.

### DUI-Related Crashes

Out of a total of 61,462 automobile crashes in 2021 (calendar year), a very small percentage were related to either alcohol (1.4%) or drug (less than 1%) DUIs. There are consistently more alcohol-related crashes than drug-related crashes, and both have been fairly steady over the past seven years. It should be noted that the Highway Safety Office recently changed how they define alcohol- and drug-related crashes and injuries (next section), only including those with alcohol- and drug-positive data (and excluding cases where each are only suspected). Because of this, numbers are significantly lower than in previous reports. The 918 DUI/alcohol-related crashes in CY 2021 were up slightly over 2020 levels, while the 188 DUI/drug-related crashes in CY 2021 were down 22% from 2020.

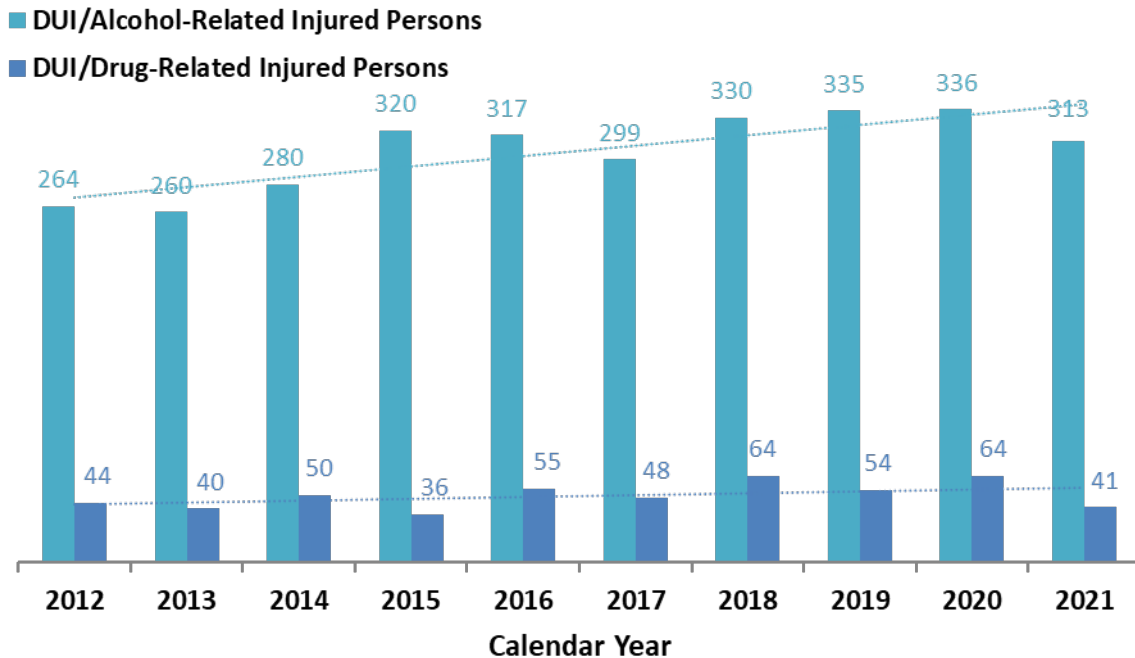


Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related crashes include only those incidents that involved alcohol; DUI/drug-related crashes include only those incidents that involved drugs and no alcohol. These numbers no longer include alcohol- and drug-suspected data; only alcohol- and drug-positive data are now counted.

## DUI-Related Injuries

The trends for DUI-related injuries are very similar to those seen for crashes. Once again, a small percentage of the 18,247 total injured persons involved in automobile crashes in 2021 (calendar year) were related to either alcohol (1.7%) or drug (less than 1%) DUIs. In addition, there have consistently been more persons injured in alcohol-related crashes per year. There were 313 persons injured in alcohol-related crashes in 2021, down slightly from 336 in 2020. The 41 persons injured in drug-related crashes in 2021 was down 36% from 64 in 2020.

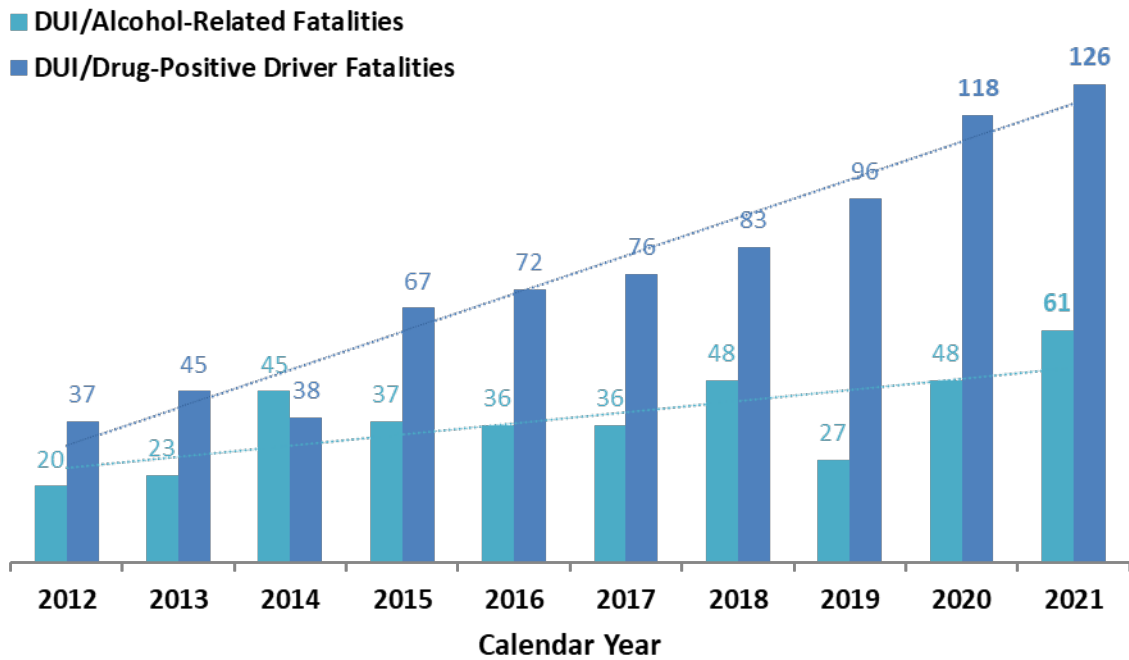


Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related crashes include only those incidents that involved alcohol; DUI/drug-related crashes include only those incidents that involved drugs and no alcohol. These numbers no longer include alcohol- and drug-suspected data; only alcohol- and drug-positive data are now counted.

## DUI-Related Fatalities

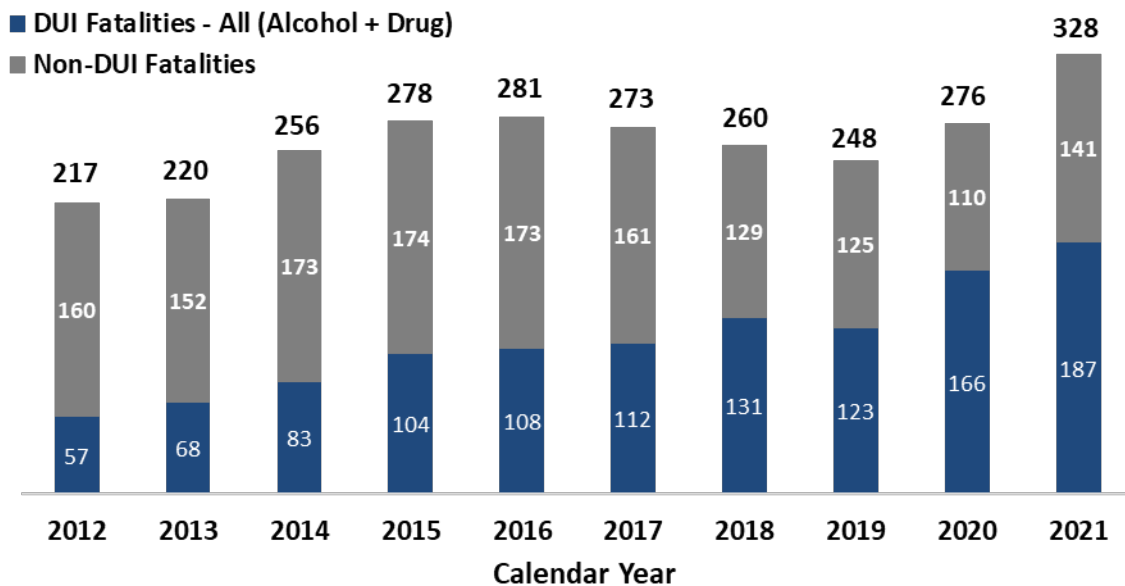
As seen in the figures on the next page, DUI-related fatalities involving both alcohol and drugs were at 10-year highs in 2021. The 61 alcohol-related fatalities in 2021 were more than double (+126%) the 27 fatalities in 2019, and up 27% over the 48 in 2020 which had matched the previous 10-year high. Despite this recent volatility, alcohol-related fatalities have been more consistent over the past ten years than drug-positive driver fatalities. After leveling off somewhat between 2015-17, drug-positive driver fatalities have jumped 66% from 76 in 2017 to 126 in 2021, including an increase of 7% from 2020 (118) to 2021. Over the past ten years, drug-positive driver fatalities have increased almost every year (with the sole exception of 2014), and have grown more than three-fold (+241%), from 37 in 2012 to 126 in 2021. In recent years, drug-positive driver crashes have been more deadly, with more fatalities than injuries. For example, in 2014, there were 111 DUI/drug-related crashes with 50 injured persons and 38 fatalities, while in 2021, there were 188 DUI/drug-related crashes with 41 injured persons and 126 fatalities. On the other hand, there has consistently been significantly more injured persons than fatalities in DUI/alcohol-related crashes.



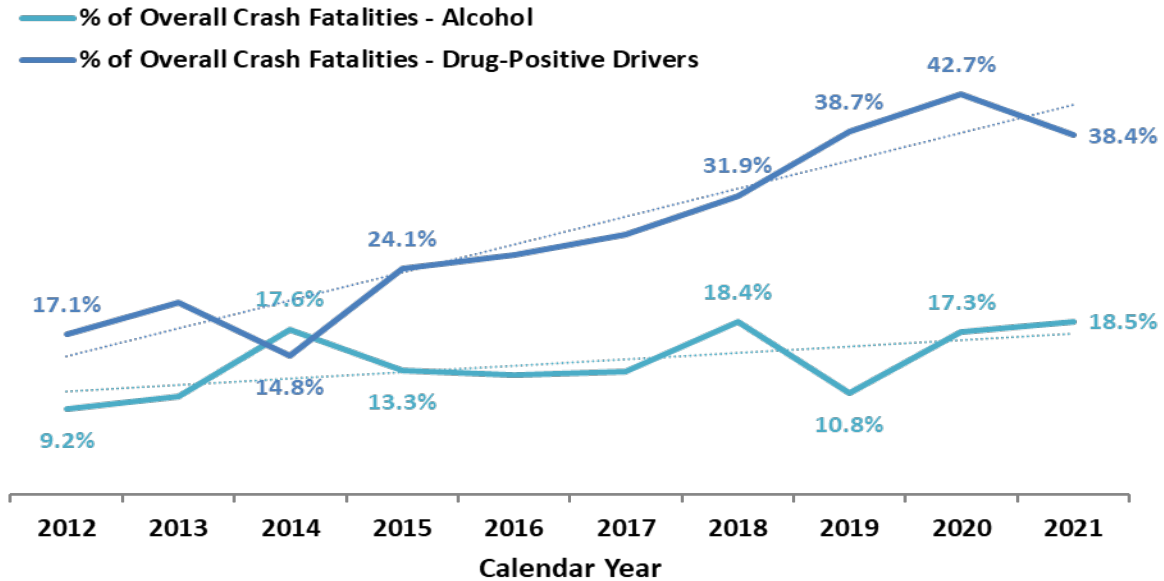
Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of  $\geq .08$  ( $\geq .05$  starting January 1, 2019). DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of  $< .08$  ( $< .05$  starting January 1, 2019). **Drug presence does not imply impairment.**

The figure below shows the trend in overall crash fatalities, and the share that are attributable to DUI (both alcohol-related and drug-positive) versus non-DUI crash fatalities. Overall crash fatalities were up significantly to 328 in 2021, from 276 in 2020 (+19%) and 248 in 2019 (+32%). While much of the increase from 2019-20 was attributable to DUI-related fatalities, a greater portion of the 2020-21 increase was due to non-DUI fatalities. The proportion of crash fatalities attributable to DUIs (both alcohol and drug) has grown from 26% in 2020 to 57% in 2021.



As there were more overall crash fatalities in 2021, even though both alcohol-related and drug-positive driver fatalities also increased, they made up a similar (alcohol) or lower (drug-positive) percentage of all fatalities. Unlike crashes and injuries, these DUI-related fatalities make up a far greater percentage of total crash fatalities in a given year. Of the 328 total crash fatalities in 2021, 18.5% were alcohol-related (up from 17.3%) and 38.4% involved a drug-positive driver fatality (down from 43%). As seen in the figure below, crashes involving drug-positive drivers have become increasingly fatal over the past six years (compared to 2014 levels that were more in line with alcohol-related crash fatalities).



Source: Utah Department of Public Safety, Highway Safety Office

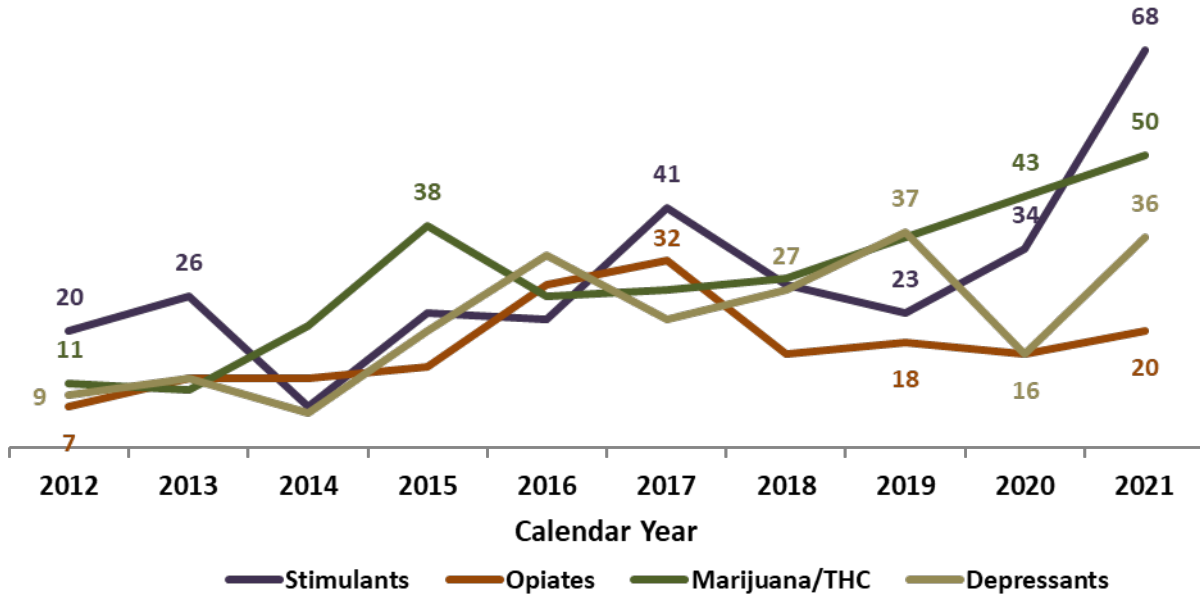
Note: DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of  $\geq .08$  ( $\geq .05$  starting January 1, 2019). DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of  $< .08$  ( $< .05$  starting January 1, 2019). **Drug presence does not imply impairment.**

### Drug Positive Driver Test Results in Fatal Crashes – Drug Types

The most common drugs found in drug positive tests in fatal crashes in 2020 were stimulants (e.g., methamphetamine, amphetamines, cocaine; N = 68), marijuana/THC (N = 50), depressants (e.g., barbiturates, sedatives; N = 36), and opioids/narcotic analgesics (e.g., oxycodone, hydrocodone, morphine, heroin, fentanyl; N = 20). The figure below shows the trends over the past ten years for these four most common drug types found in positive drug tests of drivers in fatal automobile crashes. Stimulant positive tests jumped considerably, doubling from 34 in 2020 to 68 in 2021, by far the highest of the 10-year period. Marijuana positive tests in 2021 continued a slower increase in recent years, up 16% from 43 in 2020 to 50 in 2021, though this 2021 number is almost double the 2017 number (27). Depressant positive tests returned back to 2019 levels (36) after being down considerably in 2020, while opioid positive tests stayed relatively low for a fourth consecutive year after peaking in 2017. It should be noted that a driver in a fatal crash can test positive for more than one drug as well as alcohol (when the BAC is greater than the legal limit, the fatality would count as an alcohol-related fatality even with a positive drug test – there were 187 total combined substance-related fatalities in 2021). See [Table A12](#) in the Appendix for the full data related to this topic.



### Drug-Positive Driver Fatalities - Drug Types



Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of < .08 (< .05 starting January 1, 2019). **Drug presence does not imply impairment.** More than one drug may be present in a positive test result.



# 4

## Court Activities

### Adjudications and Sanctions

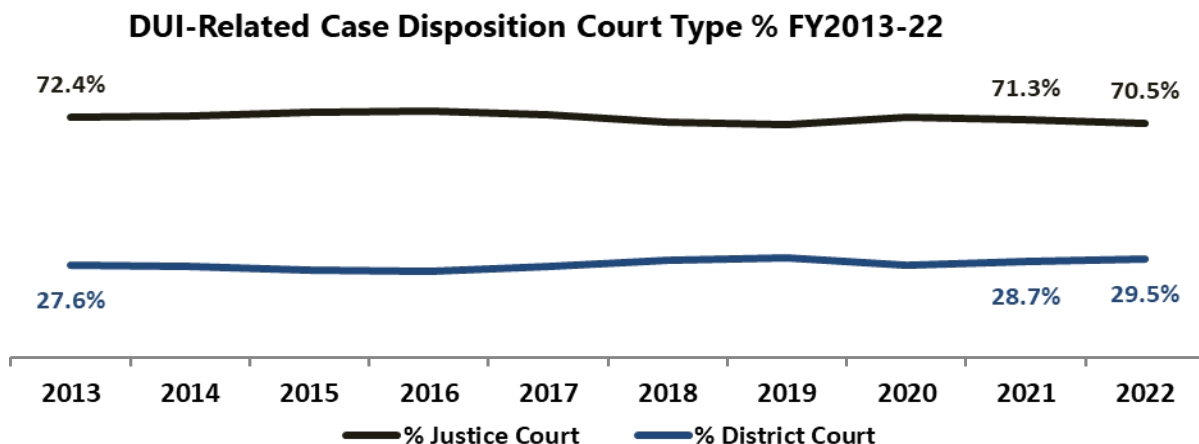
DUI-related offenses are classified as either misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense.

- In general, first and second DUI offenses (within 10 years) are classified as **Class B misdemeanors**.
- A first or second DUI offense (within 10 years) is classified as a **Class A misdemeanor** if it involves bodily injury, a passenger who is under 16 years of age, a passenger under 18 years of age if the driver is 21 or older, or if the driver was driving in the wrong direction on a freeway or controlled-access highway.
- A DUI offense is classified as a **3rd 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.

Utah’s **Justice Courts**, which are established by municipalities and counties, handle offenses classified as Class B misdemeanors, Class C misdemeanors, violations of local ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice Court jurisdictions are determined by the boundaries of the local government entities (e.g., city or county), which hire the judges. On the other hand, **District Courts** are the state trial courts of general jurisdiction. These courts have original jurisdiction to try all civil cases, all criminal felonies, and misdemeanors in certain circumstances. DUI offenses classified as Class A misdemeanors and felonies are under the jurisdiction of the state’s District Courts.

### DUI-Related Cases and Outcomes

Utah courts disposed 10,852 total DUI-related cases in FY 2022, up 7% from FY 2021. Of these cases, 7,650 (70.5%) were handled by Utah’s Justice Courts (up 5% from FY 2021), while 3,202 (29.5%) were handled by the state’s District Courts (up 10% from FY 2021; see [Table A13](#)). The percentage of cases disposed of by Justice Courts has decreased somewhat over the past ten years.



Source: Utah Administrative Office of the Courts

Of the 7,650 DUI-related cases disposed by Utah’s Justice Courts during FY 2022, 81% resulted in a guilty plea or equivalent verdict. A similar rate was found in the District Courts, as 81% of the 3,202 cases disposed also resulted in a guilty plea or equivalent verdict. See [Table A14](#) in the Appendix for the overall disposition rates by court type, and [Tables A15-16](#) for dispositions by county for the Justice Courts and by judicial district for the District Courts.

### **DUI-Related Sanctions**

Additional DUI-related case information collected by the Courts can be found in [Table A17](#) in the Appendix. The data indicate that in FY 2022, Justice Court judges ordered offenders to complete supervised (non-court) probation in 2,096 cases (34% of the total cases with a guilty plea or verdict), ordered electronic monitoring in 589 cases (10%), and ordered ignition interlock devices in 1,241 cases (20%). Additionally, District Court judges ordered offenders to complete supervised (non-court) probation in 1,710 cases (66% of the total guilty cases), ordered electronic monitoring in 372 cases (14%), and ordered ignition interlock devices in 550 cases (21%).

### **Orders for Screening, Assessment, Treatment, and Education**

See [Table A18](#) in the Appendix for full data on substance use disorder screening and assessment, substance use disorder treatment, and educational series court orders.

#### **Screening & 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.<sup>1</sup>

In FY 2022, Justice Court judges ordered offenders to complete substance use disorder screening and assessment in 4,783 cases, which was 77% of the cases with a guilty plea or verdict. The number of orders was up (+8%) from FY 2021. District Court judges were less likely to order screening and assessment, with orders in 1,383 cases (54% of cases with a guilty plea or verdict). The total number of District Court orders was also up slightly (+2%) from FY 2021 after a decline between FY 2019-20. Overall, 70% of DUI-related cases with a guilty plea or verdict were ordered to screening and assessment.

#### **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

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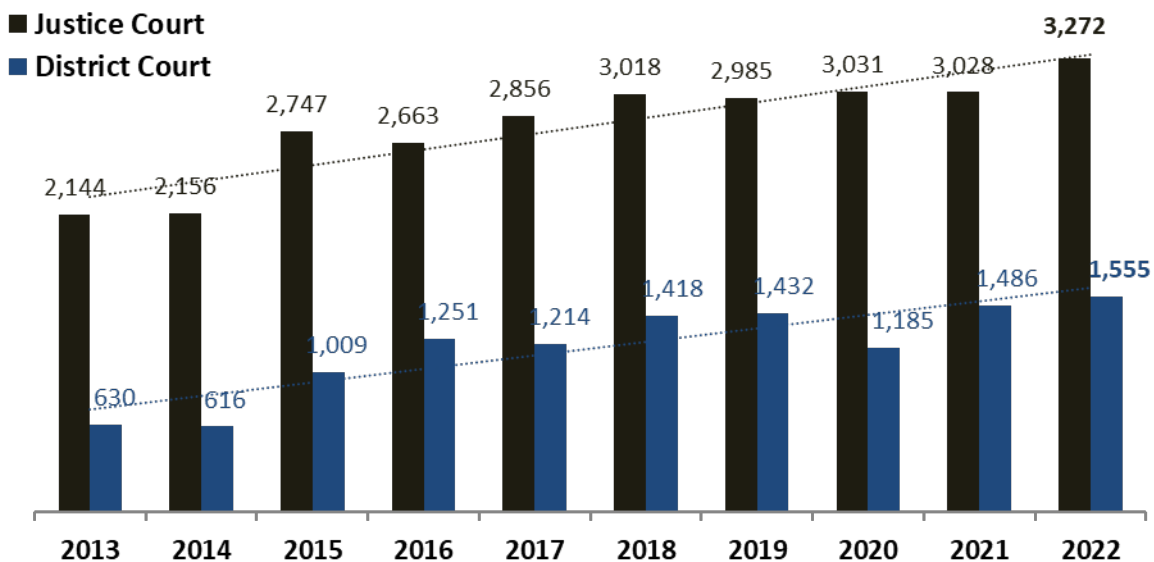
<sup>1</sup> Center for Substance Abuse Treatment, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, Treatment Improvement Protocol (TIP) Series, #7.

diagnostic criteria for a substance use disorder should participate in a treatment program in addition to, or in lieu of, the educational course.”<sup>2</sup> 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.

In FY 2022, Justice Court judges ordered offenders to complete substance use disorder treatment in 3,272 cases, which was 53% of the cases with a guilty plea or verdict. The number of orders was up 8% from FY 2021 (3,028), but the percentage remains lower than the 61% achieved in FY 2020. District Court judges were somewhat more likely to order treatment, with orders in 1,555 cases (60% of cases with a guilty plea or verdict). The number of orders was up from FY 2021 (from 1,486), though the percentage decreased (from 62%). Overall, 55% of DUI-related cases with a guilty plea or verdict were ordered to treatment (the same percentage as FY 2021 but down from 60% in FY 2020).

As the figure below indicates, orders for substance use disorder treatment have been generally increasing over the past ten years, even while DUI arrests have decreased over the same period. Justice Court judge orders for treatment have increased 52% since FY 2014, and District Court judge orders have more than doubled (+152%) since FY 2014.

**Treatment Orders in DUI-Related Cases by Court FY2013-22**



Source: Utah Administrative Office of the Courts

Note: Earlier years may not have full participation of the Justice Courts reporting to the CORIS database.

## 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 be related to use of alcohol and other drugs and attempt to help the individual recognize the harmful consequences of

<sup>2</sup> Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

inappropriate use, with special emphasis placed on the dangers of drinking and driving.”<sup>3</sup> 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.”<sup>4</sup>

Not surprisingly, educational series orders were much more common in the Justice Courts. In FY 2022, Justice Court judges ordered offenders to complete the educational series in 2,879 cases, which was 47% of the cases with a guilty plea or verdict. District Court judges only ordered the educational series in 502 cases (19% of cases with a guilty plea or verdict). Overall, 39% of DUI-related cases with a guilty plea or verdict were ordered to complete the educational series.

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

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<sup>3</sup> Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

<sup>4</sup>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.

## 5

## Driver License Control Hearings

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

### Hearing Statistics

A driver arrested for a DUI-related offense may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within 30 days. As shown in the table below, there were 3,436 requested alcohol hearings held in FY 2022, up slightly from the 3,370 held in FY 2021 but still down significantly from the 5,663 held in FY 2020. 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 3,076 (90%) of the cases, at least one of the parties called in for the hearing. In 1,334 (39%) of the cases, no action could be taken against the driver due to the absence of the arresting officer at the hearing or other factors.

Type of Violation	Total Number of Hearings	Total Telephonic	Hearings Resulting in No Action		
			No Officer No Action	Other No Action	Total No Action
Per Se Alcohol/Drug	2,822	2,506	871	254	1,125
Not a Drop (< 21)	111	104	27	14	41
Refusal of Chemical Test	503	466	121	47	168
<b>TOTAL</b>	<b>3,436</b>	<b>3,076</b>	<b>1,019</b>	<b>315</b>	<b>1,334</b>

Source: Utah Department of Public Safety, Driver License Division





## APPENDIX: Associated Data Tables

The following tables provide more detailed data for information referenced in this report.

*Note: If you linked to a table from the report, you may return to that page by clicking the link next to the table title (e.g., "Return to p.10").*

**Table A1.** DUI-related Arrests by County and Region in FY 2022, Compared to Population ([Return to p.9](#))

County	DUI-Related Arrests FY 2022				Utah Population (2021 Census)	
	By Arrest Location		By Arrestee Address		Number	Percent
	Number	Percent	Number	Percent		
Beaver	59	0.6%	38	0.4%	7,249	0.2%
Box Elder	167	1.6%	137	1.3%	59,688	1.8%
Cache	418	4.0%	374	3.6%	137,417	4.1%
Carbon	112	1.1%	84	0.8%	20,372	0.6%
Daggett	5	<0.1%	1	<0.1%	976	0.0%
Duchesne	95	0.9%	92	0.9%	19,790	0.6%
Emery	50	0.5%	42	0.4%	9,967	0.3%
Garfield	24	0.2%	13	0.1%	5,129	0.2%
Grand	44	0.4%	33	0.3%	9,663	0.3%
Iron	174	1.7%	153	1.5%	60,519	1.8%
Juab	123	1.2%	40	0.4%	12,155	0.4%
Kane	57	0.5%	23	0.2%	7,992	0.2%
Millard	91	0.9%	41	0.4%	13,164	0.4%
Morgan	20	0.2%	23	0.2%	12,657	0.4%
Piute	6	0.1%	5	<0.1%	1,487	0.0%
Rich	4	<0.1%	1	<0.1%	2,597	0.1%
San Juan	130	1.2%	73	0.7%	14,489	0.4%
Sanpete	105	1.0%	112	1.1%	29,106	0.9%
Sevier	41	0.4%	31	0.3%	21,906	0.7%
Summit	222	2.1%	170	1.6%	43,093	1.3%
Tooele	278	2.7%	212	2.0%	76,640	2.3%
Uintah	165	1.6%	168	1.6%	36,204	1.1%
Wasatch	247	2.4%	158	1.5%	36,173	1.1%
Washington	866	8.3%	685	6.6%	191,226	5.7%
Wayne	7	0.1%	8	0.1%	2,558	0.1%
<b>Non-Wasatch/Rural</b>	<b>3,510</b>	<b>33.7%</b>	<b>2,717</b>	<b>26.1%</b>	<b>832,217</b>	<b>24.9%</b>
Davis	894	8.6%	774	7.4%	367,285	11.0%
Utah	1786	17.2%	1643	15.8%	684,986	20.5%
Weber	722	6.9%	759	7.3%	267,066	8.0%
<b>Other Wasatch Front</b>	<b>3,402</b>	<b>32.7%</b>	<b>3,176</b>	<b>30.5%</b>	<b>1,319,337</b>	<b>39.5%</b>
Salt Lake	<b>3,501</b>	<b>33.6%</b>	<b>3,739</b>	<b>35.9%</b>	<b>1,186,421</b>	<b>35.5%</b>
<b>Out of State</b>	-	-	781	<b>7.5%</b>		
<b>TOTAL</b>	<b>10,413</b>	<b>100.0%</b>	<b>10,413</b>	<b>100.0%</b>	<b>3,337,975</b>	<b>100.0%</b>

**Table A2.** DUI-related Arrest Rates\* by County and Region, FY 2013-22 (Return to p.10)

County/Region	Fiscal Year									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Beaver	74.4	75.9	100.6	74.0	108.3	115.9	100.3	83.5	86.3	81.4
Box Elder	28.6	25.6	27.2	35.7	28.2	30.9	28.0	28.7	36.2	28.0
Cache	33.8	27.3	22.1	26.2	21.6	24.3	18.6	26.0	24.0	30.4
Carbon	63.0	31.0	29.0	31.3	36.3	47.8	43.4	43.5	52.9	55.0
Daggett	108.4	35.5	62.7	0.0	9.1	38.9	61.2	31.6	32.1	51.2
Duchesne	99.6	72.9	55.9	44.6	43.8	50.4	37.6	34.6	50.5	48.0
Emery	59.0	63.3	51.7	33.8	41.1	46.6	56.9	46.9	53.9	50.2
Garfield	35.1	33.4	35.8	2.0	38.1	45.3	27.6	37.6	53.1	46.8
Grand	158.2	99.4	105.0	107.2	74.1	74.4	100.4	88.2	55.8	45.5
Iron	50.3	56.6	58.2	43.8	39.9	58.2	33.9	37.4	34.9	28.8
Juab	108.4	71.5	58.2	98.2	96.3	103.1	109.0	104.9	140.0	101.2
Kane	54.9	79.9	68.9	61.7	49.1	44.9	32.4	35.5	48.3	71.3
Millard	63.4	50.5	55.5	69.6	90.6	99.5	73.8	70.5	64.0	69.1
Morgan	25.2	17.7	33.0	30.7	24.5	26.1	23.2	20.6	21.1	15.8
Piute	26.0	19.9	20.2	19.8	6.8	21.1	27.7	33.8	34.8	40.3
Rich	66.5	65.6	43.6	30.3	21.6	20.9	48.7	28.2	91.6	15.4
San Juan	52.5	45.4	43.9	39.3	31.4	50.1	64.7	74.5	78.5	89.7
Sanpete	21.4	22.3	25.6	20.2	26.9	31.0	27.1	24.2	36.9	36.1
Sevier	53.6	77.2	50.5	31.9	28.2	51.1	38.5	37.0	20.4	18.7
Summit	67.6	62.1	65.5	56.3	51.9	39.9	57.2	52.2	49.8	51.5
Tooele	73.4	58.3	63.6	60.8	63.1	53.8	54.9	44.8	51.0	36.3
Uintah	102.5	69.5	49.9	47.5	36.6	39.5	54.5	54.8	47.7	45.6
Wasatch	61.1	58.6	71.1	95.7	94.7	63.9	40.3	63.4	68.1	68.3
Washington	28.0	27.9	32.2	31.1	30.7	33.4	32.0	31.8	43.8	45.3
Wayne	3.7	3.6	11.0	3.7	3.7	7.4	14.9	40.6	28.2	27.4
<b>Non-Wasatch/Rural</b>	<b>50.5</b>	<b>43.6</b>	<b>42.9</b>	<b>41.9</b>	<b>40.1</b>	<b>42.2</b>	<b>39.0</b>	<b>39.7</b>	<b>43.9</b>	<b>42.2</b>
Davis	33.5	25.4	24.8	26.3	26.6	24.8	25.0	26.3	24.2	24.3
Utah	26.8	27.7	28.5	28.5	26.1	25.8	26.2	26.8	27.8	26.1
Weber	46.2	42.5	51.4	44.4	42.4	38.8	32.3	28.7	30.1	27.0
<b>Other Wasatch Front</b>	<b>32.9</b>	<b>30.2</b>	<b>32.3</b>	<b>31.2</b>	<b>29.6</b>	<b>28.2</b>	<b>27.2</b>	<b>27.1</b>	<b>27.2</b>	<b>25.8</b>
<b>Salt Lake</b>	<b>48.1</b>	<b>41.2</b>	<b>37.2</b>	<b>36.8</b>	<b>38.0</b>	<b>33.2</b>	<b>31.4</b>	<b>34.4</b>	<b>30.4</b>	<b>29.5</b>
<b>Statewide TOTAL</b>	<b>42.9</b>	<b>37.6</b>	<b>36.7</b>	<b>35.9</b>	<b>35.3</b>	<b>33.5</b>	<b>31.6</b>	<b>32.9</b>	<b>32.5</b>	<b>31.2</b>

Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division

Source for Population Data: U.S. Census Bureau, Population Division

\*Arrest Rates are the number of arrests per 10,000 population

**Table A3.** DUI-Related Arrests by Gender (Return to p.10)

DUI-Related Arrests by Gender	FY 2020		FY 2021		FY 2022	
	Number	Percent	Number	Percent	Number	Percent
Male	7,598	72.1%	7,834	73.8%	7,704	74.0%
Female	2,678	25.4%	2,552	24.0%	2,498	24.0%
Unspecified	256	2.4%	233	2.2%	211	2.0%
<b>TOTAL</b>	<b>10,532</b>	<b>100.0%</b>	<b>10,619</b>	<b>100.0%</b>	<b>10,413</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

**Table A4.** DUI-Related Arrests by Age (Return to p.10)

DUI-Related Arrests by Age	FY 2020		FY 2021		FY 2022	
	Number	Percent	Number	Percent	Number	Percent
Ages 12-20	1,306	12.4%	1,287	12.1%	1,145	11.0%
Ages 21-24	1,474	14.0%	1,473	13.9%	1,383	13.3%
Ages 25-36	3,902	37.1%	3,914	36.9%	3,840	36.9%
Ages 37-48	2,384	22.6%	2,465	23.2%	2,508	24.1%
Ages 49-84	1,466	13.9%	1,480	13.9%	1,537	14.8%
<b>TOTAL</b>	<b>10,532</b>	<b>100.0%</b>	<b>10,619</b>	<b>100.0%</b>	<b>10,413</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

**Table A5.** DUI-Related Arrests by Agency Type (Return to p.10)

DUI-Related Arrests by Agency Type	FY 2020		FY 2021		FY 2022	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,175	11.2%	1,295	12.2%	1,385	13.3%
City Police/Other	6,016	57.1%	6,067	57.1%	6,036	58.0%
Highway Patrol	3,341	31.7%	3,257	30.7%	2,992	28.7%
<b>TOTAL</b>	<b>10,532</b>	<b>100.0%</b>	<b>10,619</b>	<b>100.0%</b>	<b>10,413</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

**Table A6.** DUI-Related Arrests by Blood/Breath Alcohol Concentration (BAC) (Return to p.10)

DUI-Related Arrests by BAC	FY 2020		FY 2021		FY 2022	
	Number	Percent	Number	Percent	Number	Percent
BAC Result Not Reported*	4,302	40.9%	5,167	48.7%	5,208	50.0%
.00 - .04	275	2.6%	150	1.4%	463	4.4%
.05 - .07	488	4.6%	387	3.6%	320	3.0%
.08 - .10	726	6.9%	640	6.0%	503	4.8%
.11 - .15	1,386	13.2%	1,184	11.1%	975	9.3%
.16 - .20	1,173	11.1%	995	9.4%	856	8.2%
.21 - .25	591	5.6%	514	4.8%	448	4.3%
.26 - .46	397	3.8%	271	2.6%	239	2.9%
Refused BAC Test	1,194	11.3%	1,311	12.3%	1,401	13.0%
<b>TOTAL</b>	<b>10,532</b>	<b>100.0%</b>	<b>10,619</b>	<b>100.0%</b>	<b>10,413</b>	<b>100.0%</b>

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.

**Table A7.** Repeat Offenders by Type of DUI-related Arrest (Return to p.10)

Note: The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by identifying arrests that occurred in FY 2022 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.

FY 2022 Arrest Type	Per se Alcohol (.05)/ Drug	Refusal of Chemical Test	Not a Drop (<21)	Drug Metabolite	Commercial Driver (.04)	Unknown (no box marked)	TOTAL	
							Number	Percent
1 <sup>st</sup>	6,117	912	353	19	14	12	7,427	71.3%
2 <sup>nd</sup>	1,610	329	46	3	1	8	1,997	19.2%
3 <sup>rd</sup>	544	138	7	0	0	5	694	6.7%
4 <sup>th</sup>	151	42	1	0	0	1	195	1.9%
5 <sup>th</sup>	55	15	0	0	0	0	70	0.7%
6 <sup>th</sup> -10 <sup>th</sup>	22	8	0	0	0	0	30	0.3%
<b>TOTAL</b>	<b>8,499</b>	<b>1,444</b>	<b>407</b>	<b>22</b>	<b>15</b>	<b>26</b>	<b>10,413</b>	

Source: Utah Department of Public Safety, Driver License Division

**Table A8.** DUI-related Arrests by Month (Return to p.11)

DUI-Related Arrests by Month	FY 2020		FY 2021		FY 2022	
	Number	Percent	Number	Percent	Number	Percent
July	894	8.5%	874	8.2%	962	9.2%
August	898	8.5%	967	9.1%	866	8.3%
September	856	8.1%	866	8.2%	844	8.1%
October	840	8.0%	876	8.3%	877	8.4%
November	1,010	9.6%	814	7.7%	859	8.2%
December	931	8.8%	857	8.1%	783	7.5%
January	1,020	9.7%	896	8.4%	868	8.3%
February	1,011	9.6%	839	7.9%	824	7.9%
March	851	8.1%	947	8.9%	938	9.0%
April	606	5.8%	875	8.2%	881	8.5%
May	914	8.7%	898	8.5%	885	8.5%
June	701	6.7%	910	8.6%	826	7.9%
<b>TOTAL</b>	<b>10,532</b>	<b>100.0%</b>	<b>10,619</b>	<b>100.0%</b>	<b>10,413</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

**Table A9.** Arrests by Violation Type (Return to p.14)

DUI-Related Arrests by Violation Type	FY 2020		FY 2021		FY 2022		Percent Change FY 21-22
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	8,460	80.3%	8,726	82.2%	8,499	81.6%	-2.6%
Refusal of Chemical Test	1,448	13.8%	1,362	12.8%	1,444	13.9%	+6.0%
Drug Metabolite	225	2.1%	84	0.8%	22	0.2%	-73.8%
Not a Drop (< 21)	390	3.7%	432	4.1%	407	3.9%	-5.8%
Commercial Driver (.04)	8	0.1%	11	0.1%	15	0.1%	+36.4%
Unknown (no box marked)	1	<0.1%	4	<0.1%	26	0.2%	+550.0%
<b>TOTAL</b>	<b>10,532</b>	<b>100.0%</b>	<b>10,619</b>	<b>100.0%</b>	<b>10,413</b>	<b>100.0%</b>	<b>-1.9%</b>

Source: Utah Department of Public Safety, Driver License Division

**Table A10.** DUI/Alcohol-related Crashes, Injuries, and Fatalities by Calendar Year (Return to p.17)

DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah, CY 2012-2021									
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
2012	49,254	781	1.5 %	15,015	264	1.7%	217	20	9.2%
2013	55,463	751	1.3%	15,618	260	1.6%	220	23	10.5%
2014	52,089	776	1.4%	15,753	280	1.7%	256	45	17.6%
2015	57,526	920	1.5%	17,064	320	1.8%	278	37	13.3%
2016	62,363	896	1.4%	18,324	317	1.7%	281	36	12.8%
2017	62,855	862	1.3%	18,085	299	1.6%	273	36	13.1%
2018	62,073	928	1.4%	17,976	330	1.8%	260	48	18.4%
2019	64,594	932	1.4%	18,454	335	1.8%	248	27	10.8%
2020	51,630	895	1.7%	15,899	336	2.1%	276	48	17.3%
2021	61,462	918	1.4%	18,247	313	1.7%	328	61	18.5%

Source: Utah Department of Public Safety, Highway Safety Office  
 \*DUI/Alcohol-Related crashes include incidents where a driver tested positive for any level of alcohol.  
 \*\*DUI/Alcohol-Related fatal crashes and fatalities show the number of crashes where at least one of the drivers tested positive for alcohol and had a BAC of > 0.05 percent starting December 31, 2018 or > 0.08 percent prior to that date.

**Table A11.** DUI/Drug-related Crashes, Injuries, and Fatalities by Calendar Year (Return to p.17)

DUI/Drug-Related Crashes, Injuries and Fatalities in Utah, CY 2012-2021									
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	Drug-Positive Driver Fatalities**	Percent Drug-Positive Related
2012	49,254	95	0.19%	15,015	44	0.29%	217	37	17.1%
2013	55,463	110	0.19%	15,618	40	0.25%	220	45	20.5%
2014	52,526	111	0.21%	15,753	50	0.31%	256	38	14.8%
2015	57,526	146	0.25%	17,064	36	0.21%	278	67	24.1%
2016	62,363	188	0.30%	18,324	55	0.30%	281	72	25.6%
2017	62,855	174	0.27%	18,085	48	0.26%	273	76	27.8%
2018	62,073	213	0.34%	17,976	64	0.35%	260	83	31.9%
2019	64,594	200	0.30%	18,454	54	0.29%	248	96	38.7%
2020	51,630	242	0.46%	15,899	64	0.40%	276	118	42.7%
2021	61,462	188	0.30%	18,247	41	0.22%	328	126	38.4%

Source: Utah Department of Public Safety, Highway Safety Office  
 \*DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.  
 \*\*Drug-related crashes and fatalities include the number of crashes resulting from one or more drivers who had a positive drug test.

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.

**Table A12.** Drug-positive Driver Test Results in Fatal Crashes by Drug Type & Calendar Year (Return to p.20)

Drug Category	Calendar Year 2012-21									
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Stimulants	20	26	7	23	22	41	28	23	34	68
Marijuana/THC	11	10	21	38	26	27	29	36	43	50
Depressants	9	12	6	20	33	22	27	37	16	36
Opioids/Narcotics	7	12	12	14	28	32	16	18	16	20
Dissociative Anesthetics	0	0	0	0	2	4	0	0	0	0
Hallucinogens	1	0	0	2	0	0	1	1	0	0
Other Drug	4	23	7	17	9	2	1	2	44	6
Unknown Type	5	2	1	0	2	13	11	3	0	0

Source: Utah Department of Public Safety, Highway Safety Office  
 \*DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.  
 \*\*Drug-related crashes and fatalities include the number of crashes resulting from one or more drivers who had a positive drug test.

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.

**Table A13.** DUI-related Cases Disposed by Court Type and Fiscal Year (Return to p.23)

Court	FY 2020	FY 2021	FY 2022	% Change FY 21-22
Justice Courts	6,568	7,260	7,650	+5.4%
District Courts	2,545	2,921	3,202	+9.6%
<b>Total Cases Disposed</b>	<b>9,113</b>	<b>10,181</b>	<b>10,852</b>	<b>+6.6%</b>

Source: Utah Administrative Office of the Courts

**Table A14.** DUI-related Case Disposition Outcomes by Court Type in FY 2022 (Return to p.24)

Court	Case Disposition Outcome		
	Guilty Equivalent*	Not Guilty Equivalent*	Other*
Justice Courts	6,172	1,385	93
Percent	80.7%	18.1%	1.2%
District Courts	2,577	555	70
Percent	80.5%	17.3%	2.2%
<b>Total Cases Disposed</b>	<b>8,749</b>	<b>1,940</b>	<b>163</b>
<b>Percent</b>	<b>80.6%</b>	<b>17.9%</b>	<b>1.5%</b>

Source: Utah Administrative Office of the Courts  
 Note: This table does not depict the Justice Courts' or District Courts' actual conviction rate, as it includes only cases disposed during FY 2020; pending cases were not included.  
 \* Guilty-Equivalent = Guilty, No Contest, and Plea in Abeyance; Not Guilty Equivalent = Dismissed, Declined Prosecution, and Not Guilty; Other = Deceased, Diversion, Transferred, and Remanded.

**Table A15.** DUI-related Case Disposition Outcomes for Justice Courts by County in FY 2022 (Return to p.24)

County	FY 2022 Justice Court DUI-Related Outcomes by County									
	Deceased	Declined Prosecution	Dismissed	Diversions	Guilty	No Contest	Not Guilty	Plea in abeyance	Transferred*	Totals*
Beaver		1	9		30			1		41
Box Elder	4		30		130	4				168
Cache		1	43		182	5		5		236
Carbon		4	7		85	5		1	3	105
Daggett			1		4			2		7
Davis	1		76		358	9	1			445
Duchesne	2		12		22	1				37
Emery	1		1		24	1			4	31
Garfield			4		9					13
Grand			12		25					37
Iron	1		19		133	6		2		161
Juab	4	3	21		62	4		3	7	104
Kane			3		31	1				35
Millard			7		34			3		44
Morgan			5		18	1				24
Piute			5		10	1				16
Rich					10				1	11
Salt Lake	7	8	568		2,036	66	23	7	14	2,729
San Juan			5		50			1		56
Sanpete	1		8		58	5				72
Sevier			23		49	3		1		76
Summit		1	37	1	120	4	1		2	166
Tooele	2	1	43		234	3			1	284
Uintah		1	19		101	8		2		131
Utah	5	6	203	1	1,008	97	2	2	8	1,332
Wasatch	1	5	29		113	31		1	2	182
Washington		6	79		394	47			5	531
Wayne			1		5	3			4	13
Weber	3	3	48	1	477	23		1	7	563
<b>Totals</b>	<b>32</b>	<b>40</b>	<b>1,318</b>	<b>3</b>	<b>5,812</b>	<b>328</b>	<b>27</b>	<b>32</b>	<b>58</b>	<b>7,650</b>
<b>Percent</b>	<b>0.4%</b>	<b>0.5%</b>	<b>17.2%</b>	<b>-</b>	<b>76.0%</b>	<b>4.3%</b>	<b>0.4%</b>	<b>0.4%</b>	<b>0.8%</b>	<b>100.0%</b>

Source: Utah Administrative Office of the Courts  
 Note: This table does not depict the Justice Courts' actual conviction rate, as it includes only cases disposed during FY 2022; pending cases were not included.  
 \*Transferred includes Set Aside and Totals exclude Blanks.

**Table A16.** DUI-related Case Disposition Outcomes for District Courts by District in FY 2022 (Return to p.24)

Judicial District	FY 2022 District Court DUI-Related Outcomes by Judicial District										
	Deceased	Declined Prosecution	Dismissed	Diversion	Guilty	No Contest	Not Guilty	Plea in abeyance	Remanded	Transferred	Totals
1 <sup>st</sup>		1	44		157	5		2	2		211
2 <sup>nd</sup>			68		462	8	1	1	5	5	550
3 <sup>rd</sup>	3		162		709	5		3	11	4	897
4 <sup>th</sup>	4	1	130	1	551	45	1	4	5	20	762
5 <sup>th</sup>	1		67		261	8			5	1	343
6 <sup>th</sup>			34		126	7		1			168
7 <sup>th</sup>			17		101	1			2		121
8 <sup>th</sup>	1		29		112	7		1			150
<b>Totals</b>	<b>9</b>	<b>2</b>	<b>551</b>	<b>1</b>	<b>2,479</b>	<b>86</b>	<b>2</b>	<b>12</b>	<b>30</b>	<b>30</b>	<b>3,202</b>
<b>Percent</b>	<b>0.3%</b>	<b>-</b>	<b>17.2%</b>	<b>-</b>	<b>77.4%</b>	<b>2.7%</b>	<b>-</b>	<b>0.4%</b>	<b>0.9%</b>	<b>0.9%</b>	<b>100.0%</b>

Source: Utah Administrative Office of the Courts  
 Note: This table does not depict the District Courts' actual conviction rate, as it includes only cases disposed during FY 2022; pending cases were not included.

**Table A17.** Sanctions in DUI-related Cases by Court Type and Fiscal Year (Return to p.24)

DUI-Related Case Information and Sanctions	FY 2020	FY 2021	FY 2022
Number of Justice Courts Providing Data	114	116	113
<b>Blood/Breath Alcohol Content (BAC) Known</b>	<b>5,198</b>	<b>6,605</b>	<b>7,177</b>
Justice Courts	4,076	5,188	5,586
District Courts	1,122	1,417	1,591
<b>Ignition Interlock Ordered</b>	<b>1,157</b>	<b>1,444</b>	<b>1,791</b>
Justice Courts	762	992	1,241
District Courts	395	452	550
<b>Supervised (Non-Court) Probation</b>	<b>2,777</b>	<b>4,282</b>	<b>3,806</b>
Justice Courts	1,649	1,980	2,096
District Courts	1,128	1,562	1,710
<b>Electronic Monitoring</b>	<b>589</b>	<b>719</b>	<b>961</b>
Justice Courts	390	428	589
District Courts	199	291	372

Source: Utah Administrative Office of the Courts

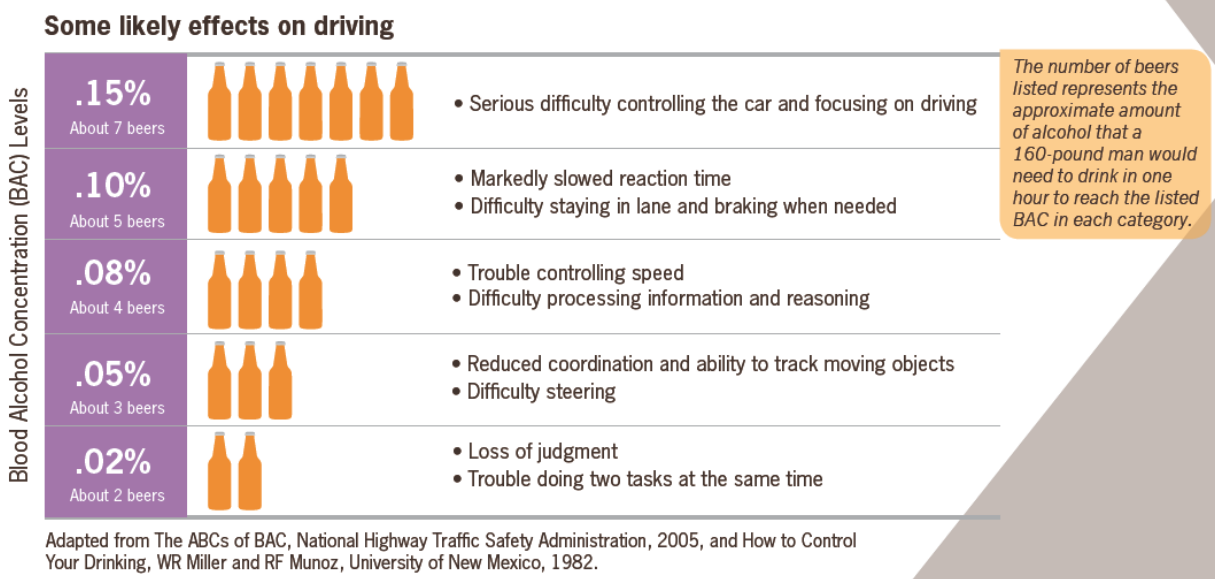


**Table A18.** Court Orders for Substance Use Disorder Screening and Assessment, Substance Use Treatment, and Educational Series by Court Type and Fiscal Year (Return to p.24)

DUI-Related Case Court Orders	FY 2020	FY 2021	FY 2022
<b>Substance Use Disorder Screening &amp; Assessment Ordered</b>	<b>5,565</b>	<b>5,792</b>	<b>6,166</b>
Justice Courts	4,392	4,434	4,783
District Courts	1,173	1,358	1,383
<b>Substance Used Disorder Treatment Ordered</b>	<b>4,216</b>	<b>4,514</b>	<b>4,827</b>
Justice Courts	3,031	3,028	3,272
District Courts	1,185	1,486	1,555
<b>Educational Series Ordered</b>	<b>3,361</b>	<b>3,459</b>	<b>3,381</b>
Justice Courts	2,982	2,940	2,879
District Courts	379	519	502

Source: Utah Administrative Office of the Courts

**Figure A1.** Blood Alcohol Concentration and Likely Effects on Driving<sup>5</sup> (Return to p.11)



<sup>5</sup> Centers for Disease Control and Prevention Vital signs, *Drinking and Driving: A Threat to Everyone*, October 2011.



## **DUI Statutory Overview**

The latest (May 2022) statutory overview for DUI offenses can be found on the following pages

[\(Return to Table of Contents\)](#)

[\(Return to p.26\)](#)



# UTAH DUI STATUTORY OVERVIEW<sup>1,2</sup>

(Current as of May 2022)

Court-Ordered Sentencing	MISDEMEANOR DUI			
	FIRST CONVICTION	FIRST CONVICTION	SECOND CONVICTION WITHIN 10 YEARS	SECOND CONVICTION 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 passenger is under 16<sup>4</sup></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 passenger is under 16<sup>4</sup></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 A MISDEMEANOR</b>	<b>CLASS A MISDEMEANOR</b>
<b>Jail</b> (§41-6a-505)	<b>SHALL</b> order: 2 days <b>OR</b> 48 hours compensatory service <b>MAY:</b> Suspend jail time if individual is participating in 24/7 sobriety program; <sup>6</sup> Convert jail time to electronic home confinement <sup>10</sup> or order two-day increments if requirements are met <sup>11</sup>	<b>SHALL</b> order not less than: <ul style="list-style-type: none"> <li>5 days <b>OR</b></li> <li>2 days <b>AND</b> 30 days consecutive electronic home confinement<sup>4</sup> that includes substance abuse testing</li> </ul> <b>MAY:</b> Suspend jail time if individual is participating in 24/7 sobriety program; <sup>6</sup> Convert jail time to electronic home confinement <sup>10</sup> or order two-day increments if requirements are met <sup>11</sup>	<b>SHALL</b> order not less than: <ul style="list-style-type: none"> <li>10 days <b>OR</b></li> <li>5 days <b>AND</b> 30 days electronic home confinement<sup>4</sup> that includes substance abuse testing</li> </ul> <b>MAY:</b> Suspend jail time if individual is participating in 24/7 sobriety program <b>AND</b> serves: <ul style="list-style-type: none"> <li>5 days jail for a second offense or</li> <li>10 days jail for third/subsequent offense;<sup>6</sup></li> </ul> Convert jail time to electronic home confinement <sup>10</sup> or order two-day increments if requirements are met <sup>11</sup>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Not less than 20 days jail <b>OR</b></li> <li>10 days jail <b>AND</b> 60 consecutive days electronic home confinement<sup>4</sup> that includes substance abuse testing <b>OR</b></li> <li>Not less than 10 days jail <b>AND</b> substance use tx (if tx is more likely to reduce recidivism and is in interest of public safety)</li> </ul> <b>MAY:</b> Suspend jail time if individual is participating in 24/7 sobriety program <b>AND</b> serves: <ul style="list-style-type: none"> <li>5 days jail for a second offense; or</li> <li>10 days jail for third/subsequent offense;<sup>6</sup></li> </ul> Convert jail time to electronic home confinement <sup>10</sup> or order two-day increments if requirements are met <sup>11</sup>
<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 \$60 court security fee (justice court) or \$53 (district court)	<b>SHALL</b> order: \$700 minimum fine plus a \$630 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)	<b>SHALL</b> order: \$800 minimum fine plus a \$720 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)	<b>SHALL</b> order: \$800 minimum fine plus a \$720 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)
<b>Screening, Assessment, Educational Series, and Treatment</b>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Screening</li> <li>Assessment (if found appropriate by screening)</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Screening</li> <li>Assessment (if found appropriate by screening)</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Screening</li> <li>Assessment (if found appropriate by screening)</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</li> </ul>

(§41-6a-505)	<ul style="list-style-type: none"> <li>Educational series, unless treatment is ordered</li> </ul> <b>MAY</b> order: <ul style="list-style-type: none"> <li>Treatment</li> <li>24-7 sobriety program</li> </ul>	<ul style="list-style-type: none"> <li>Educational series, unless treatment is ordered</li> </ul> <b>MAY</b> order: <ul style="list-style-type: none"> <li>Treatment</li> <li>24-7 sobriety program</li> </ul>	<ul style="list-style-type: none"> <li>Educational series, unless treatment is ordered</li> </ul> <b>MAY</b> order: <ul style="list-style-type: none"> <li>Treatment</li> <li>24-7 sobriety program</li> </ul>	<p>ordered</p> <b>MAY</b> order: <ul style="list-style-type: none"> <li>Treatment</li> <li>24-7 sobriety program</li> </ul>
<b>Supervised Probation</b> <sup>7</sup> (§41-6a-507)	<b>MAY</b> order supervised probation	<b>SHALL</b> order supervised probation	<b>SHALL</b> order supervised probation	<b>SHALL</b> order supervised probation
<b>Ignition Interlock</b> <sup>8</sup> (§41-6a-518) (§41-6a-530)	<b>SHALL</b> order unless: <ul style="list-style-type: none"> <li>The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice.</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21 Interlock for an ARD<sup>9</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<b>SHALL</b> order unless: <ul style="list-style-type: none"> <li>The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice.</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21 Interlock for an ARD<sup>9</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<b>SHALL</b> order unless: <ul style="list-style-type: none"> <li>The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice.</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21 Interlock for an ARD<sup>9</sup> violation <b>OR</b> describe on the record why such order not appropriate.</li> </ul>	<b>SHALL</b> order unless: <ul style="list-style-type: none"> <li>The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice.</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21 Interlock for an ARD<sup>9</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>
<b>Increased Sentencing</b> (§41-6a-505)		<b>SHALL</b> order unless described on the record why the order(s) not appropriate: <ul style="list-style-type: none"> <li>Treatment <b>and</b> One or more of the following: <ul style="list-style-type: none"> <li>Interlock</li> <li>Ankle attached continuous transdermal alcohol monitoring device</li> <li>Electronic home confinement</li> </ul> </li> </ul>		<b>SHALL</b> order unless described on the record why the order(s) not appropriate: <ul style="list-style-type: none"> <li>Treatment <b>and</b> One or more of the following: <ul style="list-style-type: none"> <li>Interlock</li> <li>Ankle attached continuous transdermal alcohol monitoring device</li> <li>Electronic home confinement</li> </ul> </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 two years	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or two years	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or two years	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or two years
<b>Impaired Driving</b> (§41-6a-502.5)	A conviction may <b>NOT</b> be entered as impaired driving if: • BAC .16 or higher; • BAC .05 or higher + any measurable controlled substance; • Combination of two or more controlled substances that were not prescribed by a licensed physician or medical cannabis as defined in §26-61a; or • any prior conviction as defined in §41-6a-501(2)			

<sup>1</sup> The DUI Statutory Overview was formerly called the DUI Sentencing Matrix. The DUI Statutory Overview is not a substitute for reference to the Utah State Code. It does not constitute legal advice and is not legally binding. It does not create any right or expectation on behalf of an offender or any party within the criminal justice system.

<sup>2</sup> 2022's HB 29 created new offense for Negligent Operation of a Vehicle Resulting in Injury (76-5-102.1), which replaced a prior statutory scheme using injuries to enhance DUI offenses. Because this new statute directs the sentencing authority to refer to the sentencing guidelines and other factors, this offense is not reflected in the DUI Statutory Overview. Note, however, that 76-5-102.1(5)(b) prohibits a court from imposing a lesser sentence than what would be available under DUI sentencing statutes (41-6a-505), which are reflected in this overview.

<sup>3</sup> A combination of two or more controlled substances may only be considered if the substances are not (A) prescribed by a licensed physician; or (B) recommended in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

<sup>4</sup> A person is guilty of a separate offense for each passenger in the vehicle at the time of the offense that is under 16 years old.

<sup>5</sup> See §41-6a-506 for electronic home confinement provisions.

<sup>6</sup> If an individual fails to successfully complete all the requirements of the 24/7 sobriety program, the court shall impose the suspended jail sentence or prison sentence.

<sup>7</sup> Supervised probation is also required for all violations of §41-6a-517(14)(a) (driving with any measurable controlled substance or metabolite in the body).

<sup>8</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. Note: If a person's violation of Section 41-6a-502 does not involve alcohol, the requirement to order ignition interlock does not apply.

<sup>9</sup> ARD = Alcohol Restricted Driver.

<sup>10</sup> A jail sentence may be converted to electronic home confinement with stipulation of both parties and approval from the judge (§41-6a-505(12)(b))

<sup>11</sup> A court may order a jail sentence imposed as a condition of misdemeanor probation to be served in multiple two-day increments at weekly intervals if the court determines the defendant can serve the statutorily required jail term and maintain employment as described in (§41-6a-505(12)(c))

## UTAH DUI STATUTORY OVERVIEW

(Current as of May 4, 2022)

Court-Ordered Sentencing	FELONY DUI	
<b>CLASSIFICATION</b> (§41-6a-503)	<b>THIRD DEGREE FELONY</b> <ul style="list-style-type: none"> <li>if third or subsequent DUI offense within 10 years</li> <li>if any prior felony DUI conviction or negligent operation of a vehicle resulting in injury conviction</li> </ul>	<b>THIRD DEGREE FELONY PLUS:</b> <ul style="list-style-type: none"> <li>BAC .16 or higher</li> <li>BAC .05 or higher + any measurable controlled substance</li> <li>Combination of two or more substances<sup>3</sup></li> </ul>
<b>Jail</b> (§41-6a-505)	<b>SHALL</b> order: 0-5 year prison term <b>OR</b> <ul style="list-style-type: none"> <li>60 days jail <b>AND</b></li> <li>60 days consecutive electronic home confinement that includes substance abuse testing</li> </ul> <b>MAY:</b> Convert jail time to electronic home confinement <sup>10</sup> or order two-day increments if requirements are met <sup>11</sup>	<b>SHALL</b> order 0-5 year prison term <b>OR</b> <ul style="list-style-type: none"> <li>Not less than 120 days jail <b>AND</b></li> <li>120 days consecutive electronic home confinement that includes substance abuse testing</li> </ul> <b>MAY:</b> Convert jail time to electronic home confinement <sup>10</sup> or order two-day increments if requirements are met <sup>11</sup>
<b>Fine, Surcharge, and Court Security Fee</b> (§41-6a-505) (§51-9-401)	<b>SHALL</b> order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$53 court security fee, UNLESS a 0-5 prison term is imposed	<b>SHALL</b> order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$53 court security 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</li> <li>Treatment as appropriate</li> </ul> UNLESS 0-5 prison term is imposed <b>MAY</b> order: <ul style="list-style-type: none"> <li>24-7 sobriety program<sup>6</sup></li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Screening</li> <li>Assessment</li> <li>Treatment as appropriate</li> </ul> UNLESS 0-5 prison term is imposed <b>MAY</b> order: <ul style="list-style-type: none"> <li>24-7 sobriety program<sup>6</sup></li> </ul>
<b>Supervised Probation<sup>7</sup></b> (§41-6a-507)	<b>SHALL</b> order supervised probation if 0-5 prison term is not imposed	<b>SHALL</b> order supervised probation if 0-5 prison term is not imposed
<b>Ignition Interlock<sup>8</sup></b> (§41-6a-518) (§41-6a-530)	<b>SHALL</b> order unless: <ul style="list-style-type: none"> <li>The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice.</li> </ul>	<b>SHALL</b> order unless: <ul style="list-style-type: none"> <li>The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice.</li> </ul>
<b>Driver License Suspension</b> (§41-6a-509)	<ul style="list-style-type: none"> <li>Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or two years</li> </ul>	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or two years

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 21st birthday <b>If under 19:</b> Until 21st birthday	<b>If 21 or older:</b> 2 years <b>If 19-20:</b> Longer of 2 years or until 21st birthday <b>If under 19:</b> Until 21st 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 21st birthday <b>If under 19:</b> Until 21st birthday	<b>If 21 or older:</b> 2 years <b>If 19-20:</b> Longer of two years or until 21st birthday <b>If under 19:</b> Until 21st 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 21st birthday	<b>If 21 or older:</b> 36 months <b>If under 21:</b> Longer of 36 months or until 21st birthday
<b>Per se Arrest</b> (§53-3-223) ≥ .05 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system	<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 21st birthday
<b>Not A Drop</b> (§53-3-231) A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body	<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 21st 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>Early License Reinstatement for Drivers Under 21</b>		
<b>Driving Under the Influence/DUI Conviction First Conviction</b> (§41-6a-509)	Court may order shortening of the suspension period after <b>6 months</b> 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>Driving with Controlled Substance/ Metabolite in Body Conviction First Conviction</b> (§41-6a-517)	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>Early License Reinstatement for Drivers 21 or Older</b>		
<b>Driving Under the Influence/DUI Conviction First Conviction</b> (§41-6a-509)	Court may order individual to participate in a 24/7 sobriety program, which allows for early reinstatement of the driving privilege upon payment of driver license reinstatement fees and ignition interlock installation. Provision does not apply if the person refused to submit to a chemical test when arrested for DUI. Person is not able to reinstate their driving privilege unless all other outstanding license sanctions have been cleared.	
<b>Driving with Controlled Substance/ Metabolite in Body Conviction First Conviction</b> (§41-6a-517)	Court may order individual to participate in a 24/7 sobriety program, which allows for early reinstatement of the driving privilege upon payment of driver license reinstatement fees. Provision does not apply if the person refused to submit to a chemical test when arrested for DUI. Person is not able to reinstate their driving privilege unless all other outstanding license sanctions have been cleared.	



## Other Sanctions

### IRD – Interlock Restricted Driver (§41-6a-518.2)

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.

- **18 months IRD** for 1<sup>st</sup> DUI (§41-6a-502) if over 21 or refused blood draw (§41-6a-520(7))
- **3 years IRD** for 1<sup>st</sup> Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-520), or 1<sup>st</sup> DUI (§41-6a-502) if under 21 or refused blood draw if under 21 (§41-6a-520(7))
- **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 – *only violations prior to July 1, 2008*), 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) or 2<sup>nd</sup>+ offense for refused blood draw (§41-6a-520(7))
- **10 years IRD** for Automobile Homicide (§76-5-207)

### ARD – Alcohol Restricted Driver (§41-6a-529)

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.
- Note: A person under the age of 21 is an alcohol restricted driver

- **2 years ARD** for 1<sup>st</sup> DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), 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 1<sup>st</sup> Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502)
- **10 years ARD** for 2<sup>nd</sup> offense within 10 years, DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), or Impaired Driving (§41-6a-502.5)
- **10 years ARD for 2<sup>nd</sup> offense of** Refusal to Submit to Chemical Test (§41-6a-520(7)) if prior suspension for prior refusal within 10 years (41-6a-520(7))
- **10 years ARD for felony violation of refusal to submit to chemical test** 41-6a-520(7))
- **Lifetime ARD** for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207)







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