

2023



UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

21st Annual DUI Report to the Utah Legislature



Utah Commission on Criminal and Juvenile Justice
State Capitol Complex
Senate Office Building, Suite 330
P.O. Box 142330
Salt Lake City, Utah 84114-2330
Phone: 801.538.1031 ■ Fax: 801.538.1024
<https://justice.utah.gov>

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; the Utah Department of Human Services, Division of Substance Abuse and Mental Health; and the Utah Department of Public Safety's Highway Patrol, Driver License Division, and Highway Safety Office.

Special thanks to Elizabeth Klc, Dan Strong, Kim Gibb, Robyn LaLumia, Barbra Freeman, Lynda Hansen, Jill Sorensen, Tara Zamora, Heather Marshall, and Eric Stembridge for their contributions and assistance in preparing this report.

Table of Contents

(click on page number to go directly to that section)

Acknowledgements

Table of Contents

Profile of a Typical Utah DUI Offender in FY 2023	1
Executive Summary	3
Purpose of the Report	5
1 DUI Policy in Utah.....	7
2 Law Enforcement Activities: Arrests & Enforcement Events.....	9
3 Crashes, Injuries, & Fatalities.....	17
4 Court Activities: Adjudications, Sanctions, & Treatment Orders	23
5 Driver License Control Hearings	27
Appendix – Tables & Figures	29
Utah DUI Statutory Overview.....	39



Statistical Note: Data in this report are current as of October 1, 2023, unless otherwise noted. Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.

Profile of a Typical Utah DUI Offender in FY 2023

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 (55%)



Male (73%)



Age 25-36 (36%)



Had a blood/breath alcohol concentration (BAC) between .11-.15 (30% of those tested with results reported)



Arrested on the Wasatch Front in Weber, Davis, Salt Lake or Utah County (68%)



First-time arrestee (73%)



Convicted of DUI (78% in Justice Court; 83% in District Court)

Executive Summary

DUI in Utah: CY 2022 / FY 2023

Law Enforcement: DUI-Related Arrests & Enforcement Activities

- 11,246 DUI-related arrests were made in FY 2023, 833 more (+8%) than in FY 2022.
- Despite the slight increase in the past year, Utah's DUI-related arrest rate (33.3 per 10,000 population) has declined steadily over the past 15 years (12% decrease since FY 2014, 42% since FY 2009), even as the population has greatly increased in the same time (23% increase in statewide population). The rate has stabilized in the low 30s the past 6 years.
- The majority of arrests occurred along the Wasatch Front, with Salt Lake, Davis, Utah, and Weber Counties accounting for 68% of the total. While counties outside the Wasatch Front only accounted for 32% of the total, this was disproportionate to their population (25%).
- DUI-related arrests in FY 2023 displayed the following characteristics:
 - 73% of arrestees were male (24% female, with 2% unspecified).
 - 36% of arrestees were between 25-36 years of age, followed by 25% 37-48, 14% 21-24, 15% 49 and older, and 10% under 21.
 - The majority of arrests (55%) were made by city/municipal police departments, with the rest split between Utah Highway Patrol (31%) and county sheriff's offices (14%).
 - Nearly half (47%) of the arrests did not have a BAC reported, and 13% of arrestees refused testing. Of those tested with a BAC reported, 38% exceeded .15 (down from 51% in FY 2018). 11% fell between .05-.07, the highest rate to date under the new statutory level (.05) in effect since January 2019.
 - It was the first DUI-related arrest for 73% of arrestees, with 18% having one prior arrest and another 9% having two or more prior arrests for DUI.
- The 10% of arrestees under the age of 21 is consistent with previous years, and the 1,163 total arrests in this category are still among the lowest levels in the past ten years.
- Changing the statutory BAC level to .05 led to a slight increase in DUI arrests in the first three and a half years, though the estimated effect jumped significantly in FY 2023.
- 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, remained stable in FY 2023 at only 34 (down 91% since FY 2018).
- Arrests included 1,551 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 up in FY 2023.

DUI and Drug-Related Crashes, Injuries, and Fatalities

- The numbers of DUI/*alcohol*-related fatalities increased in CY 2022 for the third straight year; alcohol-related crashes remained stable and injured persons decreased significantly.
 - Fatalities jumped 13% to 69 in CY 2022 (from 61 in CY 2021); crashes decreased slightly (-1%) to 908 (from 918), while injuries decreased significantly (-26%) to 231 (from 313).
- DUI/*drug*-related fatalities continued to increase in CY 2022 for the eighth consecutive year, even while crashes and injured persons both remained relatively stable.
 - Drug-positive driver fatalities increased 19% from 127 in CY 2021 to 151 in CY 2022. These fatalities have increased more than three-fold (+236%) over the past ten years.
 - Crashes increased 17% to 219 in CY 2022 (from 188 in 2021).
 - Injuries increased 7% in CY 2022 to 176 (from 164 in 2021).
- The most common drug types found in drug-positive driver fatalities in CY 2021 were stimulants (e.g., methamphetamine); depressants (e.g., sedatives); marijuana/THC; and, to a lesser extent, opioids (e.g., oxycodone).
- Crash fatalities in Utah overall were down slightly in 2022 (-9 (-3%) over 2021, though still +71 (29%) since 2019), but almost 70% of fatalities are now related to alcohol or drugs.

Courts: Adjudications and Sanctions

- In FY 2023, there were 8,280 DUI-related cases disposed by Utah's Justice Courts.
 - 78% resulted in a guilty plea or verdict.
- In FY 2022, there were 3,885 DUI-related cases disposed by the state's District Courts.
 - 83% 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 5,141 cases (79% of guilty), ordered substance use disorder treatment in 3,336 cases (51%), and ordered an educational series in 2,886 cases (44%).
- District Court judges ordered offenders to undergo a substance use disorder screening and assessment in 1,785 cases (56% of guilty), ordered substance use disorder treatment in 2,035 cases (63%), and ordered an educational series in 591 cases (18%).
- Treatment orders have generally increased over the past ten years in both courts.

Driver License Control

- 3,804 hearings were conducted in FY 2023 (up 11%) to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.
 - 3,436 (90%) involved at least one of the parties calling in for the hearing.
 - In 1,403 (37%) 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 *21st 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 2023 Utah Legislature and their impact on DUI policy in Utah.

2023 DUI-Related Legislation

H.B. 62 Driving Under the Influence Modifications

Representative Ryan Wilcox & Senator Keith Grover

- H.B. 62 makes changes to suspension of a driver's license and prohibits the Driver License Division from such suspension to those who elect to participate in an interlock ignition program unless the person fails to complete certain requirements as an ignition interlock restricted driver.
- The bill also prohibits the courts from ordering an ignition interlock system from a specific provider and leaves that decision to the driver.
- It provides procedures for a person to petition to remove an ignition interlock restriction due to a medical condition that prohibits the individual from providing a deep lung breath sample.
- Ignition interlock systems must be regularly monitored by the provider every 60 days or more frequently if ordered by the court.
- Finally, this bill amends and improves the 24-7 sobriety including who is eligible and license revocation periods.

H.B. 223 Drug and Alcohol Enforcement Amendments

Representative Jefferson Burton & Senator Jerry Stevenson

- H.B. 223 requires the Department of Public Safety to use the Alcoholic Beverage Control Act Enforcement Fund to maintain a certain number of drug enforcement officers, State Bureau of Investigation officers, and social workers.
- The bill also increases the deposits made into the Alcoholic Beverage Control Act enforcement fund and treatment restricted account by \$1,320,000.

H.B. 247 Alcohol Control Amendments

Representative Ken Ivory & Senator Scott Sandall

- H.B. 247 provides a penalty for altering, destroying, or concealing certain records that are relevant to an official proceeding under the Alcoholic Beverage Control Act and requires that certain under the ABC Act to, after receiving written notice of civil or criminal action, retain records relevant to the action.
- The bill also describes the circumstances under which there is a prima facie evidence that a person is liable for an injury or death that results from the intoxication of another individual.

H.B. 369 DUI Amendments

Representative Steve Eliason & Senator Don Ipson

- H.B. 369 combines all the different and sometimes contradictory sections related to driving under the influence offense into a single section.
- The bill also combines the separate sections around refusal of a chemical test offense and makes technical changes.
- No substantive changes to statute were made.

S.B. 80 Driver License Suspension and Revocation Amendments

Senator Stephanie Pitcher & Representative Ryan Wilcox

- S.B. 80 provides for the shortening of a driver license suspension or revocation period required for certain traffic violations if an individual participates in a problem-solving court program approved by the Judicial Council and elects to become an interlock restricted driver as a condition of probation.
- The bill also limits the types of offenses for which a court is authorized to shorten an individual's driver license suspension or revocation period.

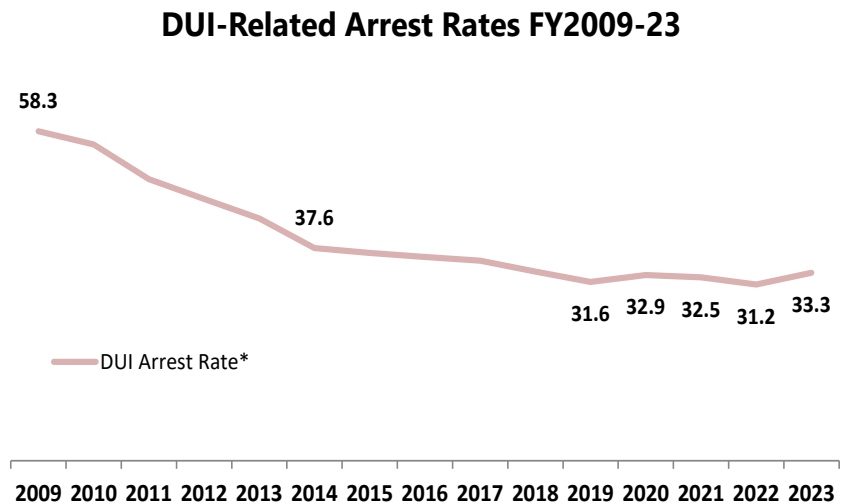
2

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 2023, law enforcement officers made 11,246 arrests, 833 more (+8%) than in FY 2022. The overall number of arrests has been up and down since a historic low number in FY 2019, though the rate (relative to the population) has remained below 35 per 10,000 population (between 31.2-33.5) since FY 2018. While Utah’s population has continued to grow more than any state in the nation (23% over 15 years), the arrest rate for DUI-related offenses has declined steadily, with a 42% decrease over the same time period (associated with 4,437 fewer arrests than FY 2009), even with the slight jump in FY 2023 (from a historic low rate in FY 2022).

Utah DUI-Related Arrest Rates by Population, FY 2009 - FY 2023			
Fiscal Year	DUI-Related Arrests	Population as of July 1	DUI-Related Arrest Rate*
2009	15,683	2,691,122	58.3
2010	15,285	2,731,558	56.0
2011	13,816	2,775,334	49.8
2012	13,031	2,814,216	46.3
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
2022	10,413	3,337,975	31.2
2023	11,246	3,380,800	33.3



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)

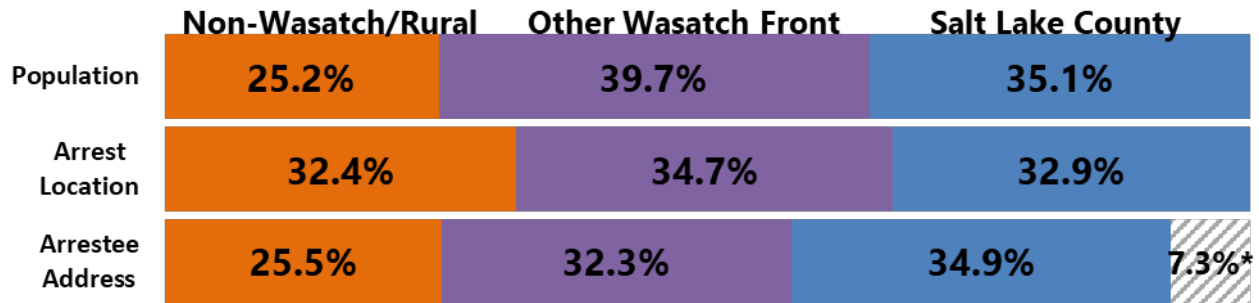
*DUI-related arrest rate is the number of DUI-related arrests per 10,000 population.

Arrests by County & Region

Consistent with past years, the majority of DUI-related arrests during FY 2023 occurred along the Wasatch Front, with Weber, Davis, Salt Lake, and Utah Counties accounting for 68% (7,606) of the total. For the first time, Utah, Davis, and Weber counties combined had more arrests than Salt Lake County (3,904/35% vs. 3,702/33%), with Non-Wasatch/Rural counties just behind with 3,640 (32%; see Table A1 in the Appendix for all FY 2023 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.

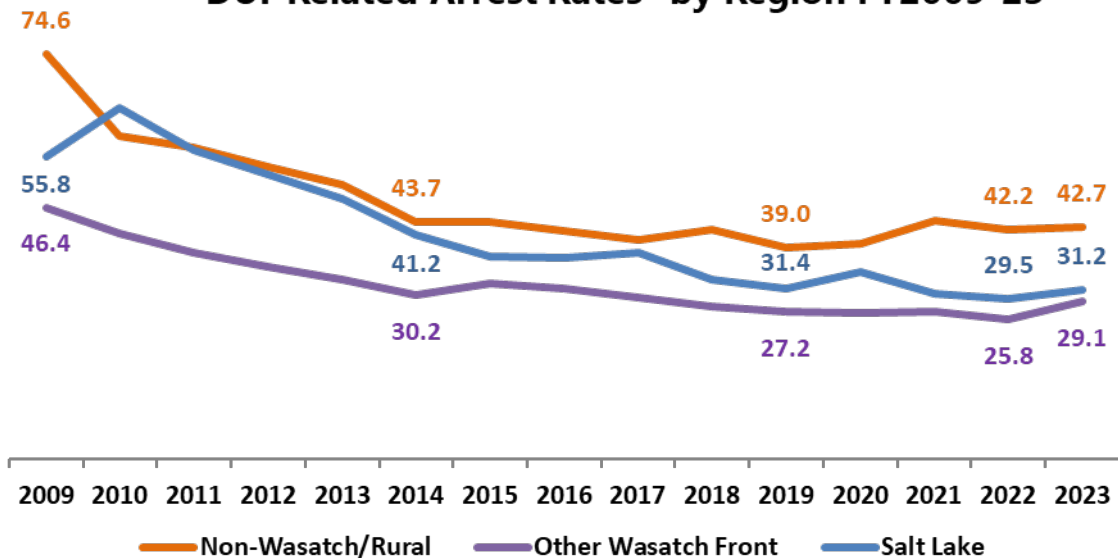
FY 2023 DUI-Related Arrests by Region (N = 11,246)



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

The previous figure shows a slight over-representation of DUI-related arrests outside the Wasatch Front (32.4% of arrests, 25.5% of residents), relative to the total population in the region (25.2% of the total population). Additionally, the figure below shows the DUI-related arrest rate trends over time (FY 2009-23) by region of the state. Consistent with the previous figure, the highest arrest rates in FY 2023 were outside the Wasatch Front (42.7 per 10,000 population), followed by Salt Lake County (31.2), and Utah/Davis/Weber counties (29.1). 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 15 years, though rates have leveled out in recent years. Utah/Davis/Weber counties showed the greatest increase in arrest rates from FY 2022 to FY 2023 (13%; see [Table A2](#) in the Appendix for all the rate data by county and region).

DUI-Related Arrest Rates* by Region FY2009-23



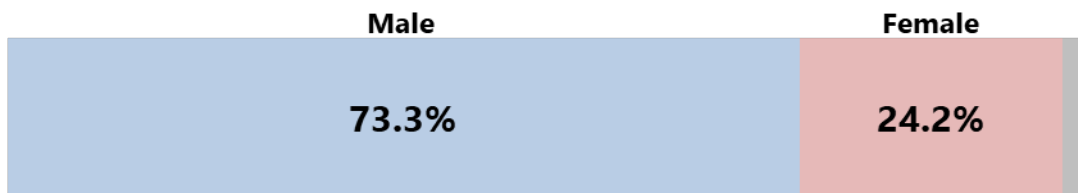
Note: "Other Wasatch Front" = Davis, Utah, and Weber counties; "Non-Wasatch/Rural" = all other counties outside the Wasatch Front. *DUI-related arrest rate is the number of DUI-related arrests per 10,000 population; rates are based on location of the arrest.

Characteristics of FY 2023 DUI-Related Arrests

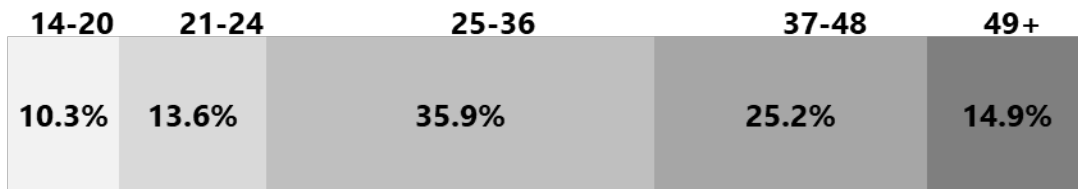
The figures on the next page show some characteristics of DUI-related arrests, including:

- **Gender:** 73% of arrestees were male, while 24% were female (an additional 2.5% of arrests did not have gender specified; see [Table A3](#) in the Appendix).
- **Age:** Drivers ages 25-36 accounted for 36% of all arrests, followed by 25% for ages 37-48 and 15% 49 or over. 10% 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:** 55% of all arrests were made by municipal law enforcement agencies (down from 58% in FY 2022), with Utah Highway Patrol responsible for 31% (up from 28%) and county sheriffs' offices responsible for 14% (see [Table A5](#)). The share and number (+531) of arrests made by Utah Highway Patrol is significantly more than FY 2022, and accounts for almost two-thirds of the increase in arrests from FY 2022 to FY 2023.
- **Blood/Breath Alcohol Concentration (BAC):** Almost half (47%) of the arrests did not have a reported BAC, while another 13% refused the BAC test. Of those arrests with BAC reported, 38% exceeded .15 (the highest BAC recorded was .43), while 30% fell between .11-.15, 15% between .08-.10, 12% between .05-.07, and 6% under .05 (see [Table A6](#)). Arrests with BACs between .05-.07 had the largest relative increase this year (see p.13).
- **Repeat Offenders:** 73% of arrests were for a first offense, 18% had one prior offense, and 9% were for a third or subsequent offense (see [Table A7](#) for more data by violation type).
- **By Month:** DUI-related arrests remained fairly consistent throughout FY 2023, with an average of 937 arrests per month and only one month above 1,000 (October, 1,007) and one below 800 (February, 792; see [Table A8](#)).

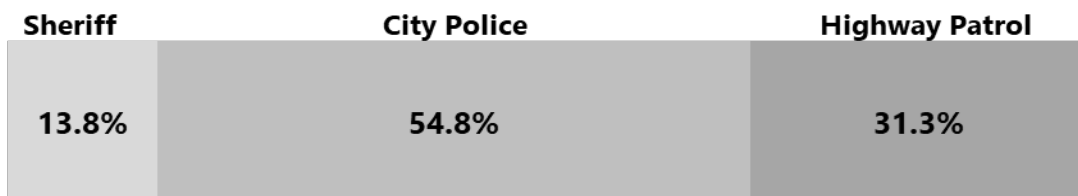
Gender



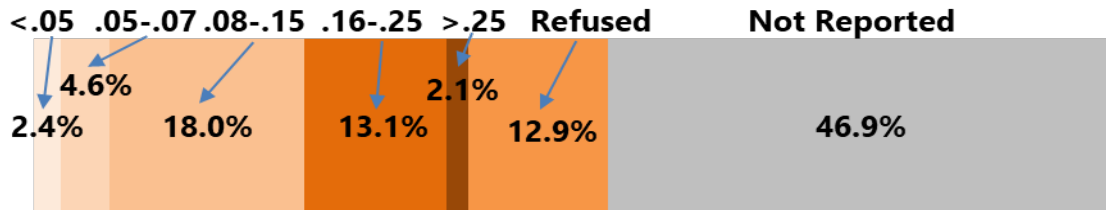
Age



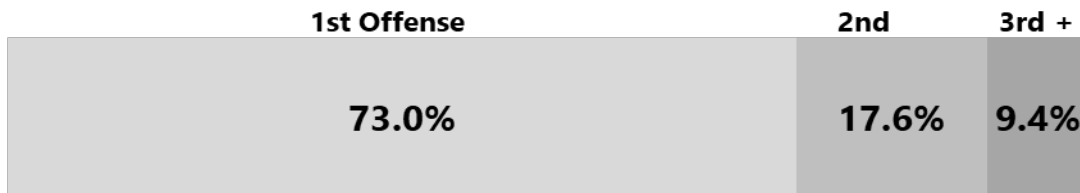
Arresting Agency



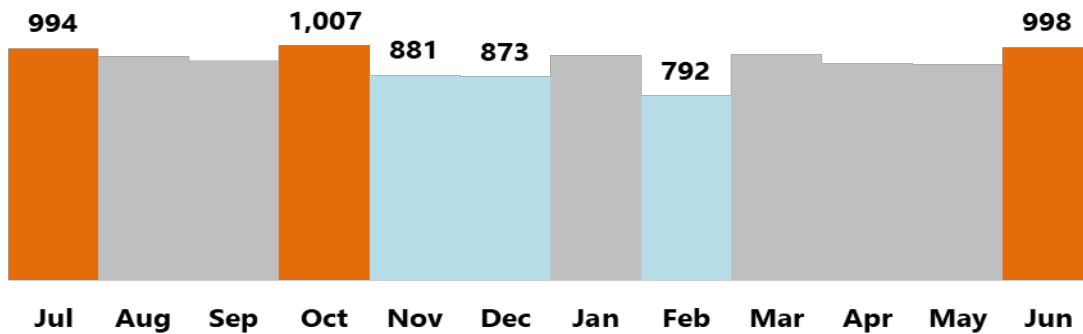
Blood/Breath Alcohol Content (BAC; See Figure A1)



First-Time vs. Repeat Offenders



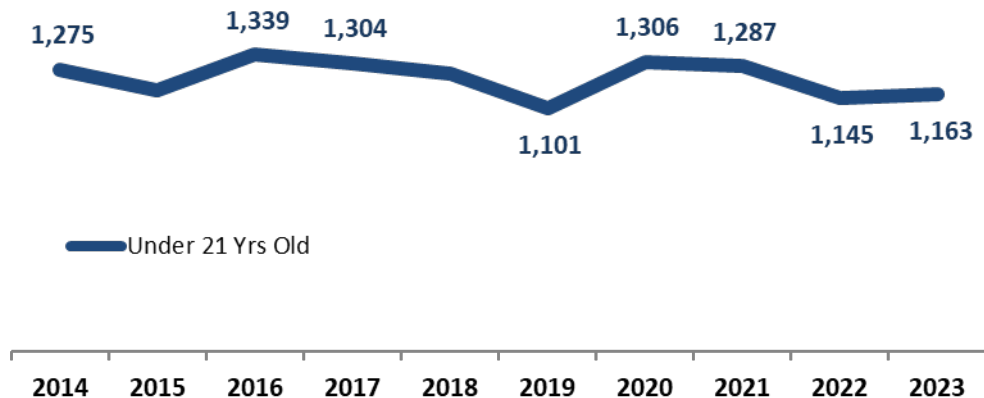
Month of Arrest



Underage DUI-Related Arrests

As seen on the previous page, 10% of the DUI-related arrests were offenders under the legal drinking age of 21. This percentage of the overall arrests is lower than recent years (see [Table A4](#)), and the 1,163 total arrests in this category are similar to FY 2022 (1,145) and down from FY 2020-21 (1,306 and 1,287 arrests respectively).

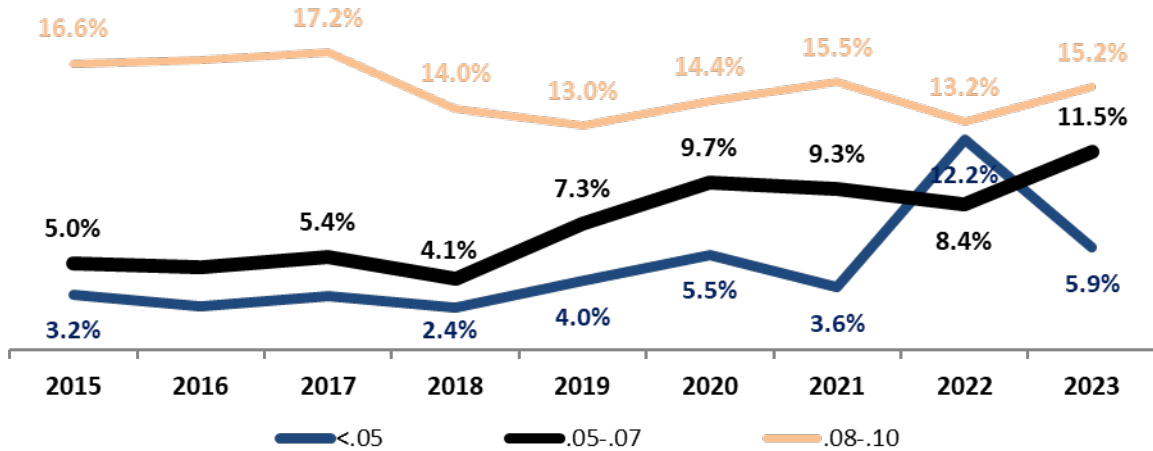
Under 21 DUI-Related Arrests FY2014-23



Impacts of Decreasing the Legal BAC Limit to .05

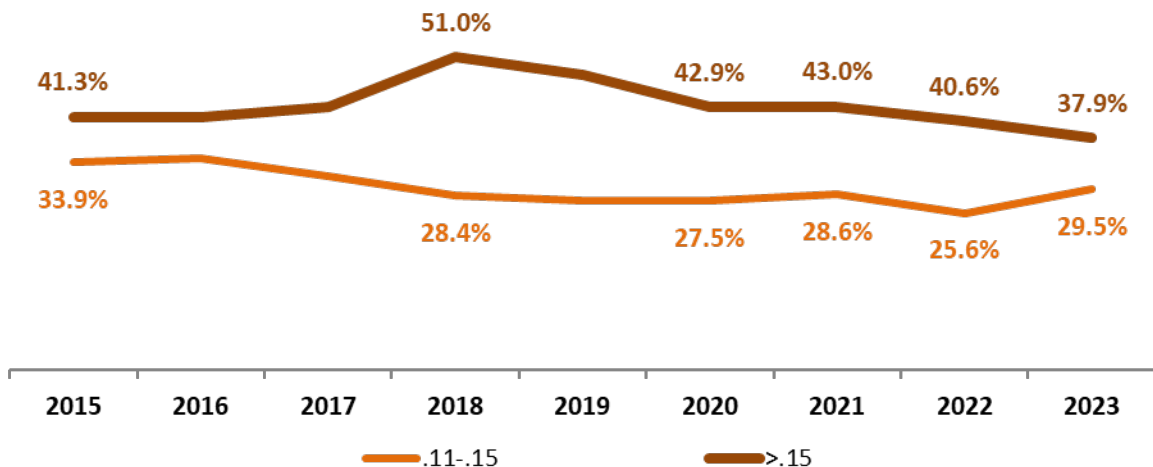
Arrests by BAC Level. The upward trend in arrests with a BAC below .08 stabilized in FY 2021-22, but showed a fairly sharp increase in FY 2023. The per se legal limit was moved on December 30, 2018 to include BACs in the .05-.07 range, and 11.5% of arrests with a reported BAC in FY 2023 were in this range (up from 8.4% in FY 2022, and 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, particularly those above .15. **It should be noted that the data below are only based on arrests where the BAC was reported or obtained** (47% had no BAC reported and 13% of arrestees refused a BAC test, consistent with previous years). The Department of Public Safety and the Department of Health and Human Services are working to increase the rate of reported BACs, which will improve the accuracy of this data, as well as the estimates provided in the next section.

BAC Levels Reported* in DUI-Related Arrests FY2015-23 - Lower Ranges



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

BAC Levels Reported* in DUI-Related Arrests FY2015-23 - Higher Ranges



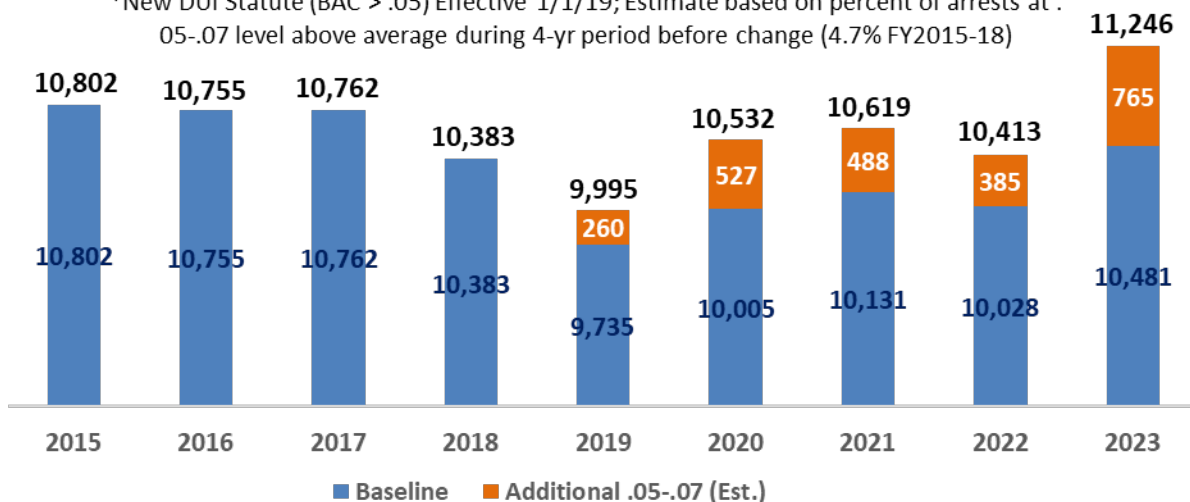
*Note: Specific BAC levels are only generally reported in less than half of cases. Data distinguishing <.05 and .05-.07 not available pre-FY2015.

Estimating Additional DUI-Related Arrests After Statute Change. As mentioned in the previous section, it is difficult to estimate the number of additional DUI-related arrests that have occurred since the BAC limit was lowered from .08 to .05 due to the amount of unreported BAC levels (close to 50%) and the number of arrestees who refuse a BAC test (10-15% depending on year). More complete data would certainly provide increased confidence in estimates based on the BAC level distribution at arrest across the time period available (data from FY 2015-23 allows us to more granularly distinguish levels below .08, particularly between .05-.07 and <.05), though these possible effects can still be examined while also taking into account the limitations of the data at this time. Using the data we do have, FY 2015-18 serves as a 4-year pre-statute change period (the change was implemented halfway through FY 2019), and during this period 4.7% of arrests with a reported BAC fell within the .05-.07 range. If we extrapolate the available percentage to all arrests across the period and assume that, on average, 4.7% of arrests would continue to be between .05-.07 from FY 2019-23 if the legal limit remained at .08, the blue bars in the figure below would serve as our baseline/expected number of arrests under the old statute. Under this assumption, all arrests above and beyond the expected average from these four years before the statute change can be considered excess arrests that would not have occurred under the old statutory limit (orange part of bars in FY 2019-23), and this serves as our estimate of additional arrests post-statute change.

Given this logic and the assumptions behind it above, we can estimate that there were 765 additional arrests in FY 2023 than would have been expected under the previous legal limit of .08 (7.3% more than the expected 10,481 arrests without a change). This is the highest to date, though prior years also added a significant number of arrests (including 520 in FY 2020 and 488 in FY 2021; the 260 additional estimated in FY 2019 are for the six months after the new legal limit was implemented). Up until FY 2023, overall DUI-related arrest totals had remained fairly stable (including a historic low number in FY 2019), and it was unclear whether there was no effect of the statute change or, alternatively, if the change itself is what stabilized the trend (and it would have continued to decrease without the change). This is still not entirely clear, and it is likely there are other benefits generated that are worth the added arrests (i.e., BACs at the highest levels (>.15) have decreased substantially in this period, down from 51% in FY 2018 to 38% in FY 2023).

DUI Arrests by FY with Estimate* of Additional Arrests Post-Statute Change

*New DUI Statute (BAC > .05) Effective 1/1/19; Estimate based on percent of arrests at .05-.07 level above average during 4-yr period before change (4.7% FY2015-18)

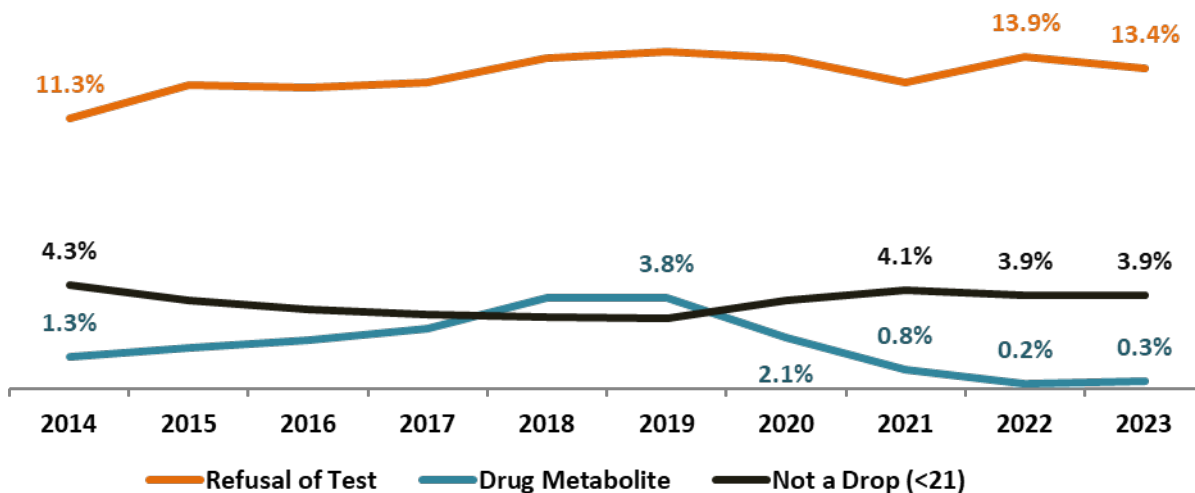


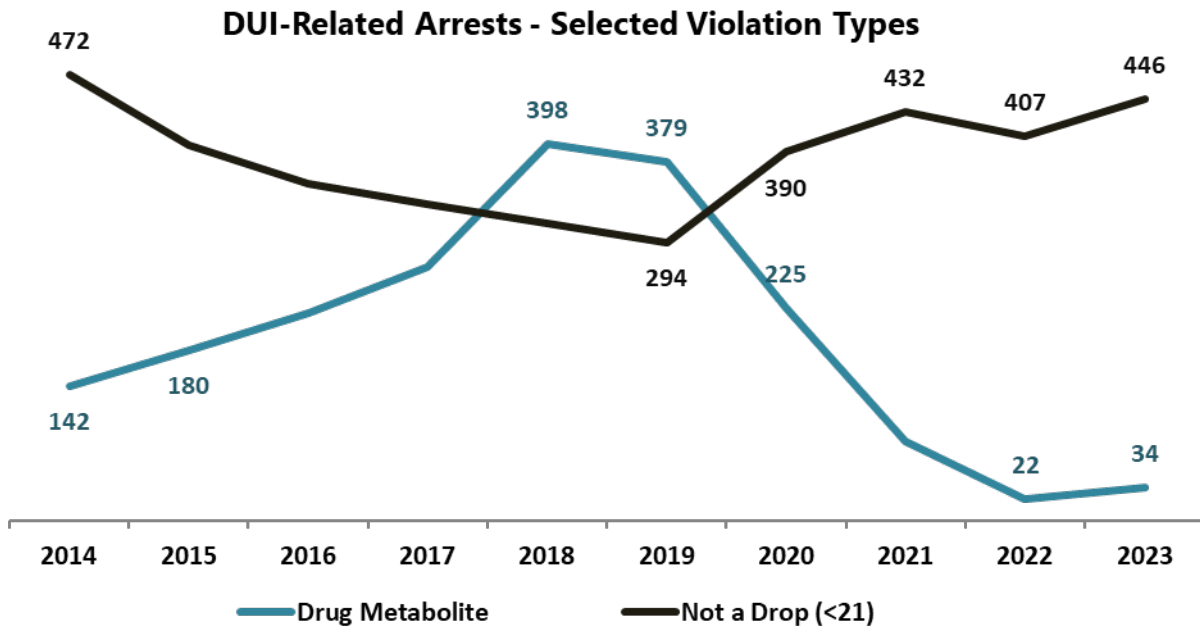
Arrests by Violation Type

The distribution of DUI-related arrests by type of violation in FY 2023 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. 13% 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 2020-22). 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 four years. The second figure shows the raw number of arrests for drug metabolite and Not a Drop violations. After almost tripling from FY 2014 to FY 2018, drug metabolite arrests in FY 2023 increased slightly but were still close to a ten-year low. In contrast, while Not a Drop arrests are still well below the number from ten years ago in FY 2014, the 446 arrests for this statute in FY 2023 were still up 52% from the low point in FY 2019.

DUI-Related Arrest Violation Type % FY2014-23





Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in SFY 2023/FFY 2023 included those that occurred during 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 up (+27%) from 2022 levels after several years of decline, with vehicles stopped (+26%), DUI arrests (+13%), and all other indicators also increasing significantly in the past year as a result.

Statewide DUI Overtime Enforcement Events	State-Funded	Federally-Funded	Totals
	SFY 2023*	FFY 2023*	
DUI Shifts Worked	4,283	858	5,141
Vehicles Stopped	35,956	8,518	44,474
DUI Arrests**	1,372	179	1,551
Vehicles Impounded	1,176	155	1,331
Alcohol-Related Arrests***	908	139	1,047
Drug-Related Arrests****	1685	239	1,924
Warrants Served	706	108	814
Other Warnings/Citations	40,389	7,210	47,599
Designated Drivers Observed/Documented	220	44	264

Source: Utah Department of Public Safety, Highway Safety Office
 *SFY 2023 = July 1, 2022 – June 30, 2023; FFY 2023 = October 1, 2022 – September 30, 2023
 **Includes 873 DUI/alcohol-related, 560 DUI/drug-related, and 118 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)

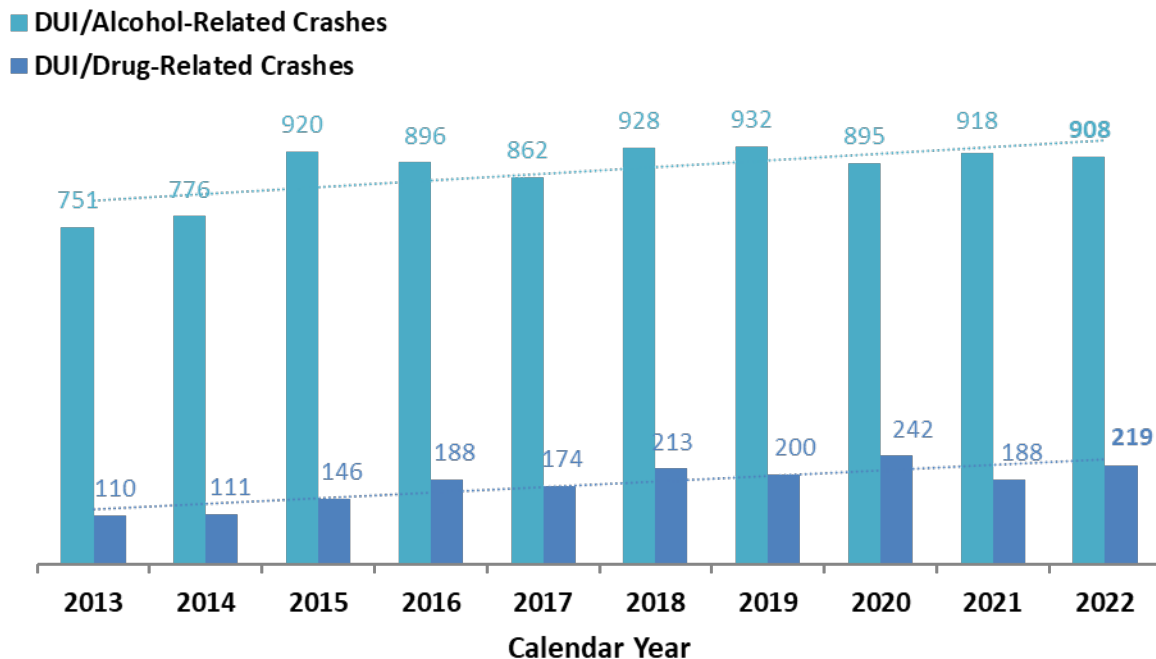
3

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 by **calendar year** (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 59,006 automobile crashes in 2022 (**calendar year**), a very small percentage were related to either alcohol (1.5%) 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 7 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 908 DUI/alcohol-related crashes in CY 2022 were down slightly over 2021 levels, while the 219 DUI/drug-related crashes in CY 2022 were up 16% from 2021.

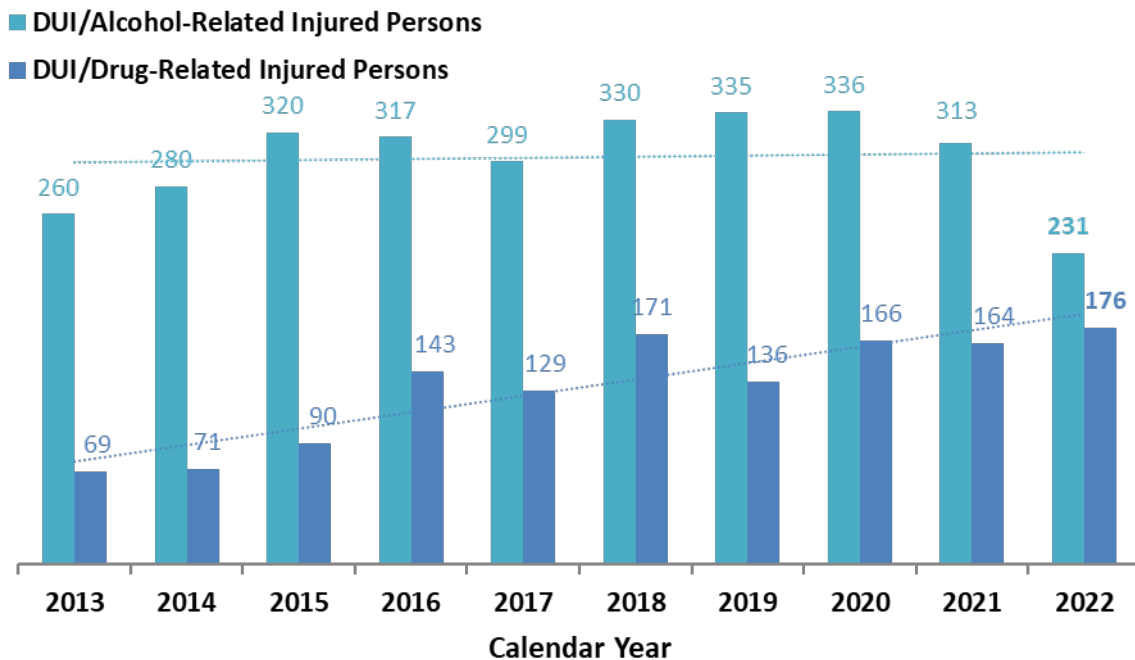


Source: Utah Department of Public Safety, Highway Safety Office

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 17,613 total injured persons involved in automobile crashes in 2022 (calendar year) were related to either alcohol (1.3%) or drug (1.0%) DUIs. In addition, there have consistently been more persons injured in alcohol-related crashes per year, though the 231 persons injured in alcohol-related crashes in 2022 is a significant decrease (-35%) from 2021. The 176 persons injured in drug-related crashes in 2022 was up 7% from 164 in 2021.

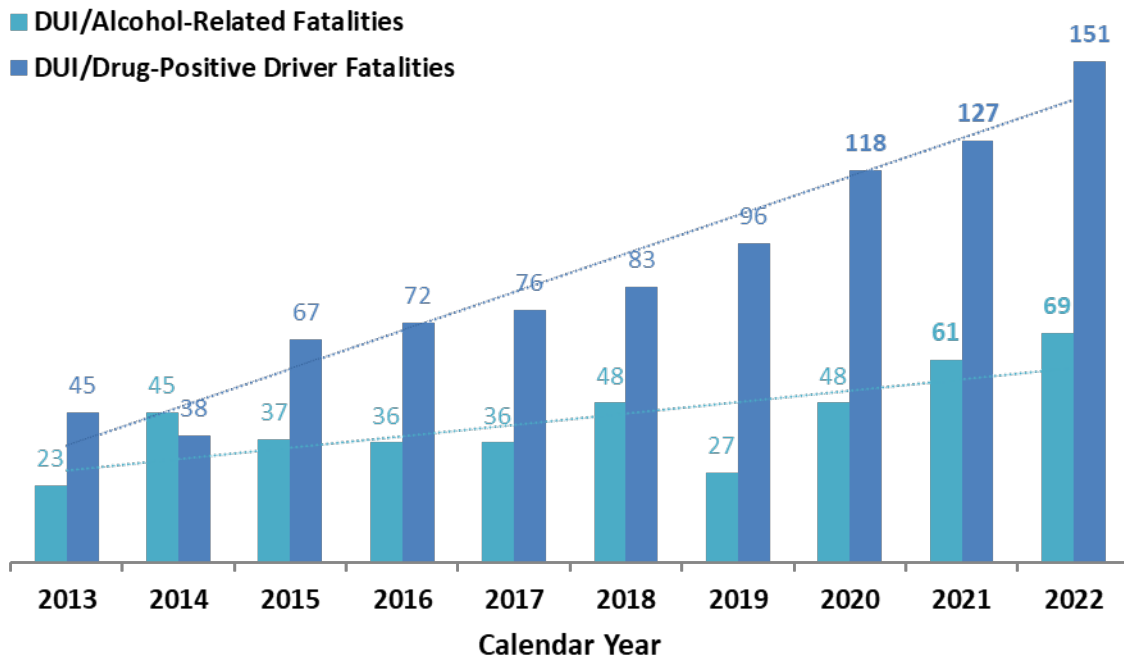


Source: Utah Department of Public Safety, Highway Safety Office

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

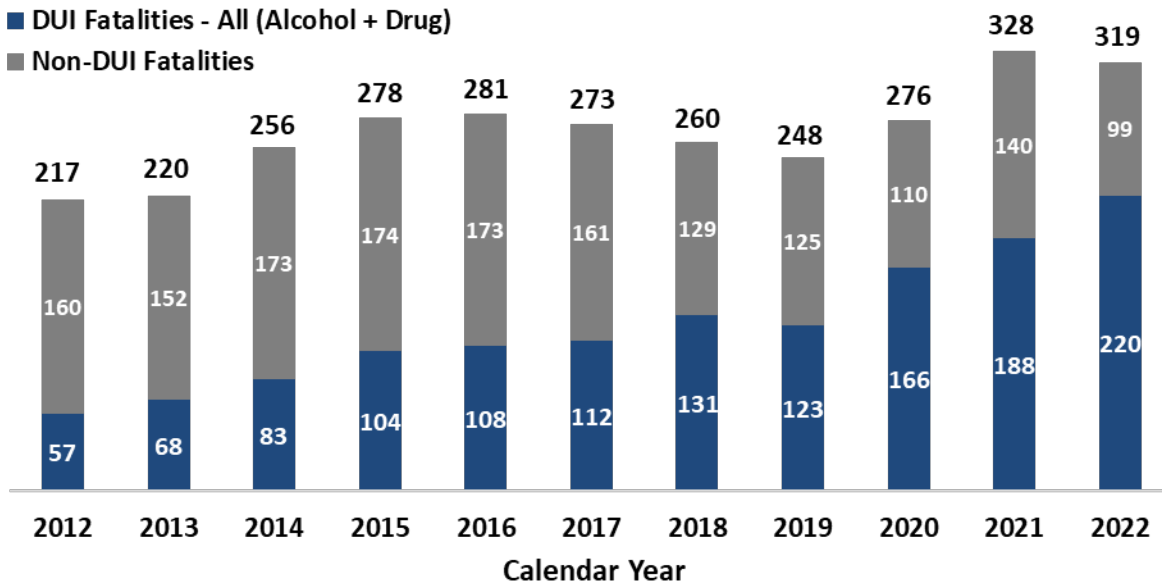
As seen in the figures on the next page, DUI-related fatalities involving both alcohol and drugs continued to be at 10-year highs in 2022. The 69 alcohol-related fatalities in 2022 were more than double (+156%) the 27 fatalities in 2019, and up 13% over the 61 in 2021 which had been the previous 10-year 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 99% from 76 in 2017 to 151 in 2022, including an increase of 19% from 2021 (127) to 2022. 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 (+235%), from 45 in 2013 to 151 in 2022. In recent years, drug-positive driver crashes have been more deadly, with almost as many fatalities as injuries. For example, in 2014, there were 111 DUI/drug-related crashes with 71 injured persons and 38 fatalities, while in 2022, there were 219 DUI/drug-related crashes with 176 injured persons and 151 fatalities. On the other hand, there has consistently been significantly more injured persons than fatalities in DUI/alcohol-related crashes.



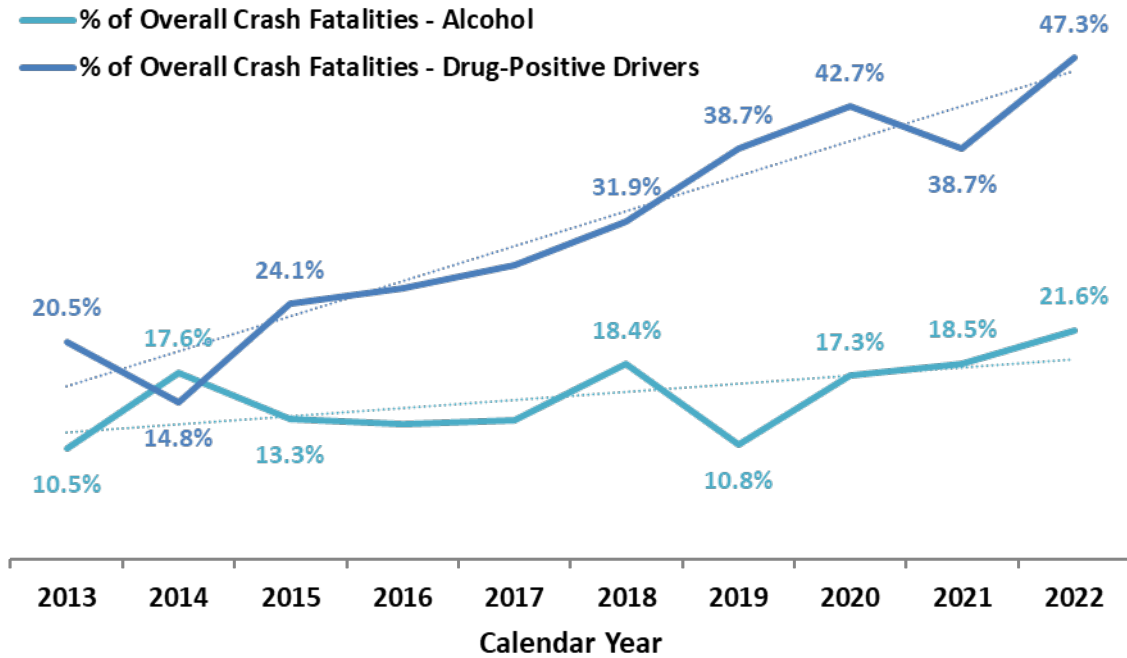
Source: Utah Department of Public Safety, Highway Safety Office

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 down slightly to 319 in 2022 from 328 in 2021, but still up significantly from 248 in 2019 (+29%). While there was an overall decline in crash fatalities in 2022, the share attributable to DUIs increased from 188 in 2021 to 220 in 2022 (+17%). The proportion of crash fatalities attributable to DUIs (both alcohol and drug) has grown from 26% in 2012 to 69% in 2022.



Even with less overall crash fatalities in 2022, both alcohol-related and drug-positive driver fatalities increased, and they made up a greater 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 319 total crash fatalities in 2022, 22% were alcohol-related (up from 19%) and 47% involved a drug-positive driver fatality (up from 39%). As seen in the figure below, crashes involving drug-positive drivers have become increasingly fatal over the past 8 years (compared to 2014 levels that were more in line with alcohol-related crash fatalities).



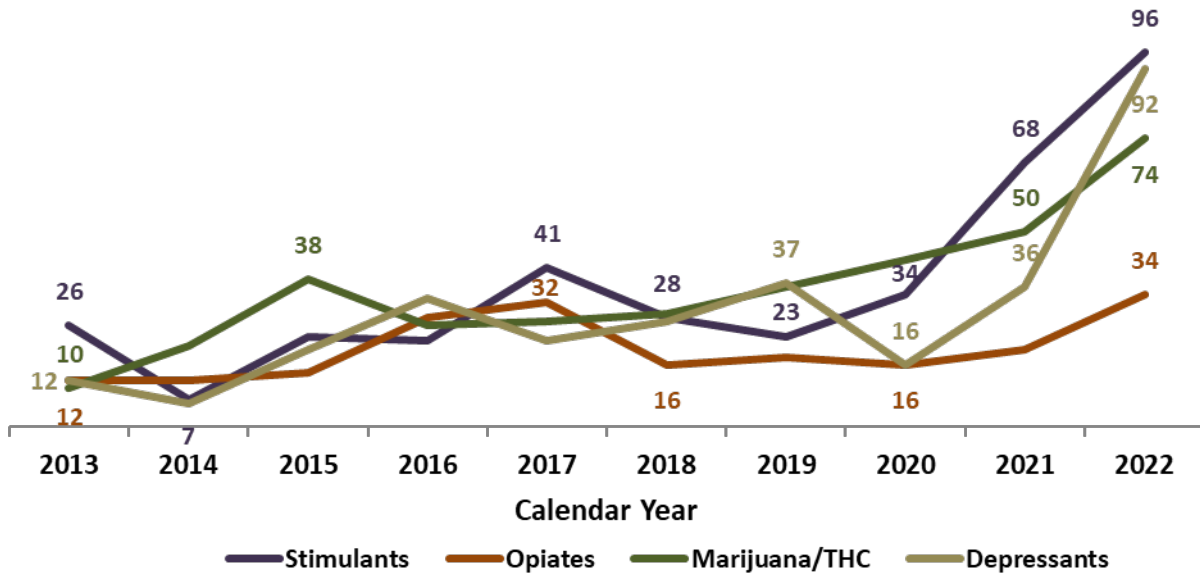
Source: Utah Department of Public Safety, Highway Safety Office

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 2022 were stimulants (e.g., methamphetamine, amphetamines, cocaine; N = 96), depressants (e.g., barbiturates, sedatives; N = 92), marijuana/THC (N = 74), and opioids/narcotic analgesics (e.g., oxycodone, hydrocodone, morphine, heroin, fentanyl; N = 34). 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. Positive tests for all four drug types in fatal crashes jumped considerably in 2022, particularly depressants (up 156% from 36 in 2021 and a staggering 475% from 16 in 2020). Stimulant positive tests jumped 41% from 68 in 2021 (also up 317% since 2019). Marijuana positive tests in 2022 continued a slower increase in recent years, up 48% from 50 in 2021 to 74 in 2022, though this 2022 number is almost triple the 2017 number (27). Opioid positive tests had stayed relatively low for four consecutive year after peaking in 2017, but also jumped 70% from 20 in 2021 to 34% in 2022. 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

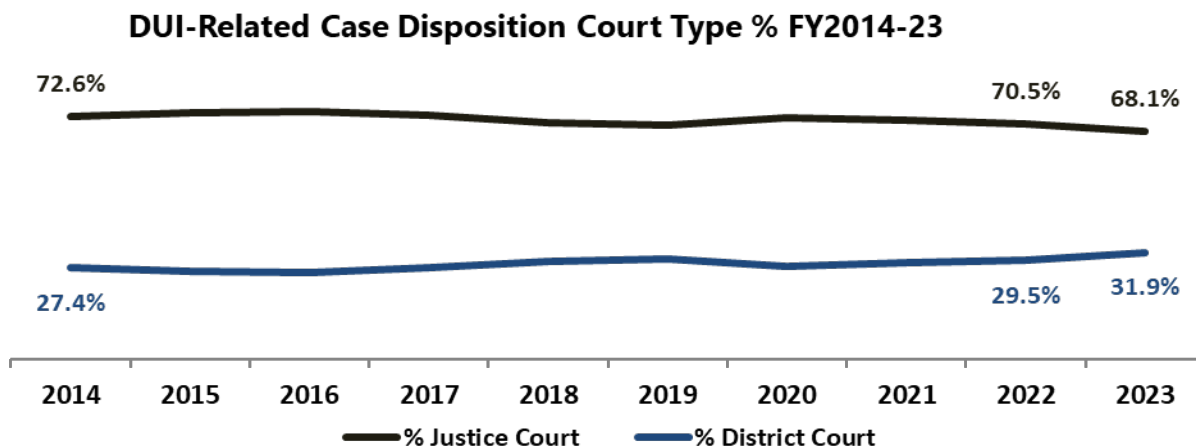
DUI-related offenses are classified as either misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense.

- 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 12,165 total DUI-related cases in FY 2023, up 12% from FY 2022. Of these cases, 8,280 (68%) were handled by Utah’s Justice Courts (up 8% from FY 2022), while 3,885 (32%) were handled by the state’s District Courts (up 21% from FY 2022; 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

It should be noted that the share of Court cases filed as A level misdemeanors (MA) in District Court (vs. at the MB level, which go to Justice Courts) was significantly impacted by [H.B. 143](#), which passed in the 2022 Legislative Session but went into effect for FY 2023. As seen above, the percentage of cases disposed of by the District Courts jumped from 30% in FY 2022 to 32% in FY 2023 (associated with a 21% increase in cases), and H.B. 143 was likely a significant driver in this shift of cases from Justice Courts to District Courts.

Of the 8,280 DUI-related cases disposed by Utah's Justice Courts during FY 2023, 78% resulted in a guilty plea or equivalent verdict. A slightly higher rate was found in the District Courts, as 83% of the 3,885 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 2023, Justice Court judges ordered offenders to complete supervised (non-court) probation in 2,230 cases (34% of the total cases with a guilty plea or verdict), ordered electronic monitoring in 560 cases (9%), and ordered ignition interlock devices in 1,249 cases (19%). Additionally, District Court judges ordered offenders to complete supervised (non-court) probation in 2,235 cases (70% of the total guilty cases), ordered electronic monitoring in 630 cases (20%), and ordered ignition interlock devices in 775 cases (24%).

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.¹

In FY 2023, Justice Court judges ordered offenders to complete substance use disorder screening and assessment in 5,141 cases, which was 79% of the cases with a guilty plea or verdict. The number of orders was up (+7%) from FY 2022. District Court judges were less likely to order screening and assessment, with orders in 1,785 cases (56% of cases with a guilty plea or verdict), though the total number of District Court orders was up significantly (+29%) from FY 2022. Overall, 71% of DUI-related cases with a guilty plea or verdict were ordered to screening and assessment.

¹ 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.

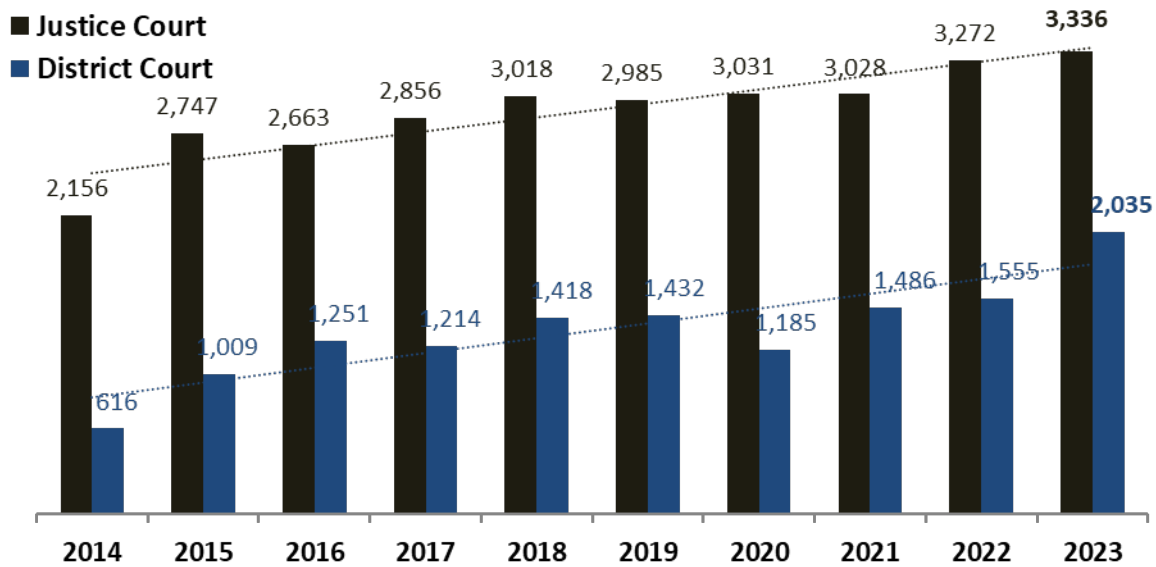
Treatment

For a first and second DUI-related offense, the court *may* order treatment; for a third or subsequent offense within 10 years, the court *must* order substance use disorder treatment. “Treatment involves the application of planned procedures to identify and change patterns of behavior that are maladaptive, destructive, and/or injurious to health; or to restore appropriate levels of physical, psychological and/or social functioning. Offenders assessed as meeting the diagnostic criteria for a substance use disorder should participate in a treatment program in addition to, or in lieu of, the educational course.”² 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 2023, Justice Court judges ordered offenders to complete substance use disorder treatment in 3,336 cases, which was only 51% of the cases with a guilty plea or verdict. The number of orders was up slightly (+2%) from FY 2022 (3,272), 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 2,035 cases (63% of cases with a guilty plea or verdict). The number and percentage of orders was up from FY 2022 (1,555 and 60%). Overall, 55% of DUI-related cases with a guilty plea or verdict were ordered to treatment (the same percentage as FY 2021 and FY 2022, 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 dispositions have remained stable over the last 9 years of that period. Justice Court judge orders for treatment have increased 55% since FY 2014, and District Court judge orders have more than tripled (+230%) since FY 2014.

Treatment Orders in DUI-Related Cases by Court FY2014-23



Source: Utah Administrative Office of the Courts

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

² Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

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

Not surprisingly, educational series orders were much more common in the Justice Courts. In FY 2023, Justice Court judges ordered offenders to complete the educational series in 2,886 cases, which was 44% of the cases with a guilty plea or verdict. District Court judges only ordered the educational series in 591 cases (18% of cases with a guilty plea or verdict). Overall, 36% 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.

³ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

⁴Stafford, 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 3,804 requested alcohol hearings held in FY 2023, up slightly from the 3,436 held in FY 2022 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 3,436 (90%) of the cases, at least one of the parties called in for the hearing. In 1,403 (37%) 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 (down from 39% in FY 2022).

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	3,159	2,838	974	239	1,213
Not a Drop (< 21)	115	99	41	6	47
Refusal of Chemical Test	530	499	117	26	143
TOTAL	3,804	3,436	1,132	271	1,403

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 2023, Compared to Population ([Return to p.9](#))

County	DUI-Related Arrests FY 2023				Utah Population (2022 Census)	
	By Arrest Location		By Arrestee Address		Number	Percent
	Number	Percent	Number	Percent		
Beaver	32	0.2%	13	0.1%	7,327	0.2%
Box Elder	183	1.6%	145	1.3%	61,498	1.8%
Cache	351	3.1%	323	2.9%	140,173	4.1%
Carbon	87	0.7%	75	0.7%	20,571	0.6%
Daggett	7	0.1%	2	<0.1%	1,014	<0.1%
Duchesne	82	0.7%	79	0.7%	20,161	0.6%
Emery	45	0.4%	27	0.2%	10,099	0.3%
Garfield	19	0.2%	16	0.1%	5,281	0.2%
Grand	64	0.6%	52	0.5%	9,769	0.3%
Iron	239	2.1%	180	1.6%	62,429	1.8%
Juab	125	1.1%	40	0.4%	12,567	0.4%
Kane	77	0.7%	32	0.3%	8,227	0.2%
Millard	68	0.6%	36	0.3%	13,330	0.4%
Morgan	35	0.3%	26	0.3%	12,832	0.4%
Piute	1	<0.1%	2	<0.1%	1,487	<0.1%
Rich	12	0.1%	8	0.1%	2,628	0.1%
San Juan	123	1.1%	80	0.7%	14,359	0.4%
Sanpete	90	0.8%	100	0.9%	29,724	0.9%
Sevier	81	0.7%	62	0.6%	22,069	0.7%
Summit	238	2.1%	193	1.7%	43,036	1.3%
Tooele	355	3.2%	281	2.5%	79,934	2.4%
Uintah	186	1.7%	176	1.6%	37,141	1.1%
Wasatch	301	2.7%	212	1.9%	36,619	1.1%
Washington	837	7.4%	703	6.2%	197,680	5.8%
Wayne	2	<0.1%	6	0.1%	2,645	0.1%
Non-Wasatch/Rural	3,640	32.4%	2,869	25.5%	852,600	25.2%
Davis	973	8.7%	835	7.4%	369,948	10.9%
Utah	1,988	17.7%	1,862	16.5%	702,434	20.8%
Weber	943	8.4%	930	8.3	269,561	8.0%
Other Wasatch Front	3,904	34.7%	3,627	32.3%	1,341,943	39.7%
Salt Lake	3,702	32.9%	3,928	34.9%	1,186,257	35.1%
Out of State	0	-	823	7.3%		
TOTAL	11,246	100%	11,246	100%	3,380,800	100%

Table A2. DUI-related Arrest Rates* by County and Region, FY 2014-23 (Return to p.10)

County/Region	Fiscal Year									
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Beaver	75.9	100.6	74.0	108.3	115.9	100.3	83.5	86.3	81.4	43.7
Box Elder	25.6	27.2	35.7	28.2	30.9	28.0	28.7	36.2	28.0	29.8
Cache	27.3	22.1	26.2	21.6	24.3	18.6	26.0	24.0	30.4	25.0
Carbon	31.0	29.0	31.3	36.3	47.8	43.4	43.5	52.9	55.0	42.3
Daggett	35.5	62.7	0.0	9.1	38.9	61.2	31.6	32.1	51.2	69.0
Duchesne	72.9	55.9	44.6	43.8	50.4	37.6	34.6	50.5	48.0	40.7
Emery	63.3	51.7	33.8	41.1	46.6	56.9	46.9	53.9	50.2	44.6
Garfield	33.4	35.8	2.0	38.1	45.3	27.6	37.6	53.1	46.8	36.0
Grand	99.4	105.0	107.2	74.1	74.4	100.4	88.2	55.8	45.5	65.5
Iron	56.6	58.2	43.8	39.9	58.2	33.9	37.4	34.9	28.8	38.3
Juab	71.5	58.2	98.2	96.3	103.1	109.0	104.9	140.0	101.2	99.5
Kane	79.9	68.9	61.7	49.1	44.9	32.4	35.5	48.3	71.3	93.6
Millard	50.5	55.5	69.6	90.6	99.5	73.8	70.5	64.0	69.1	51.0
Morgan	17.7	33.0	30.7	24.5	26.1	23.2	20.6	21.1	15.8	27.3
Piute	19.9	20.2	19.8	6.8	21.1	27.7	33.8	34.8	40.3	6.7
Rich	65.6	43.6	30.3	21.6	20.9	48.7	28.2	91.6	15.4	45.7
San Juan	45.4	43.9	39.3	31.4	50.1	64.7	74.5	78.5	89.7	85.7
Sanpete	22.3	25.6	20.2	26.9	31.0	27.1	24.2	36.9	36.1	30.3
Sevier	77.2	50.5	31.9	28.2	51.1	38.5	37.0	20.4	18.7	36.7
Summit	62.1	65.5	56.3	51.9	39.9	57.2	52.2	49.8	51.5	55.3
Tooele	58.3	63.6	60.8	63.1	53.8	54.9	44.8	51.0	36.3	44.4
Uintah	69.5	49.9	47.5	36.6	39.5	54.5	54.8	47.7	45.6	50.1
Wasatch	58.6	71.1	95.7	94.7	63.9	40.3	63.4	68.1	68.3	82.2
Washington	27.9	32.2	31.1	30.7	33.4	32.0	31.8	43.8	45.3	42.3
Wayne	3.6	11.0	3.7	3.7	7.4	14.9	40.6	28.2	27.4	7.6
Non-Wasatch/Rural	43.6	42.9	41.9	40.1	42.2	39.0	39.7	43.9	42.2	42.7
Davis	25.4	24.8	26.3	26.6	24.8	25.0	26.3	24.2	24.3	26.3
Utah	27.7	28.5	28.5	26.1	25.8	26.2	26.8	27.8	26.1	28.3
Weber	42.5	51.4	44.4	42.4	38.8	32.3	28.7	30.1	27.0	35.0
Other Wasatch Front	30.2	32.3	31.2	29.6	28.2	27.2	27.1	27.2	25.8	29.1
Salt Lake	41.2	37.2	36.8	38.0	33.2	31.4	34.4	30.4	29.5	31.2
Statewide TOTAL	37.6	36.7	35.9	35.3	33.5	31.6	32.9	32.5	31.2	33.3

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.11)

DUI-Related Arrests by Gender	FY 2021		FY 2022		FY 2023	
	Number	Percent	Number	Percent	Number	Percent
Male	7,834	73.8%	7,704	74.0%	8,244	73.3%
Female	2,552	24.0%	2,498	24.0%	2,716	24.2%
Unspecified	233	2.2%	211	2.0%	286	2.5%
TOTAL	10,619	100%	10,413	100%	11,246	100%

Source: Utah Department of Public Safety, Driver License Division

Table A4. DUI-Related Arrests by Age (Return to p.11)

DUI-Related Arrests by Age	FY 2021		FY 2022		FY 2023	
	Number	Percent	Number	Percent	Number	Percent
Ages 14-20	1,287	12.1%	1,145	11.0%	1,163	10.3%
Ages 21-24	1,473	13.9%	1,383	13.3%	1,529	13.6%
Ages 25-36	3,914	36.9%	3,840	36.9%	4,041	35.9%
Ages 37-48	2,465	23.2%	2,508	24.1%	2,836	25.2%
Ages 49-87	1,480	13.9%	1,537	14.8%	1,677	14.9%
TOTAL	10,619	100%	10,413	100%	11,246	100%

Source: Utah Department of Public Safety, Driver License Division

Table A5. DUI-Related Arrests by Agency Type (Return to p.11)

DUI-Related Arrests by Agency Type	FY 2021		FY 2022		FY 2023	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,295	12.2%	1,385	13.3%	1,559	13.8%
City Police/Other	6,067	57.1%	6,036	58.0%	6,164	54.8%
Highway Patrol	3,257	30.7%	2,992	28.7%	3,523	31.3%
TOTAL	10,619	100%	10,413	100%	11,246	100%

Source: Utah Department of Public Safety, Driver License Division

Table A6. DUI-Related Arrests by Blood/Breath Alcohol Concentration (BAC) (Return to p.11)

DUI-Related Arrests by BAC	FY 2021		FY 2022		FY 2023	
	Number	Percent	Number	Percent	Number	Percent
BAC Result Not Reported*	5,167	48.7%	5,208	50.0%	5,272	46.9%
.00 - .04	150	1.4%	463	4.4%	269	2.4%
.05 - .07	387	3.6%	320	3.0%	516	4.6%
.08 - .10	640	6.0%	503	4.8%	687	6.1%
.11 - .15	1,184	11.1%	975	9.3%	1,337	11.9%
.16 - .20	995	9.4%	856	8.2%	993	8.8%
.21 - .25	514	4.8%	448	4.3%	485	4.3%
.26 - .43	271	2.6%	239	2.9%	238	2.1%
Refused BAC Test	1,311	12.3%	1,401	13.0%	1,449	12.9%
TOTAL	10,619	100%	10,413	100%	11,246	100%

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.11](#))

Note: The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by identifying arrests that occurred in FY 2023 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 2023 Arrest Type Offense	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 st	6,786	985	400	24	5	7	8,207	73.0%
2 nd	1,626	330	16	5	1	0	1,978	17.6%
3 rd	558	124	19	4	0	1	706	6.3%
4 th	179	41	5	1	0	0	226	2.0%
5 th	55	21	5	0	0	0	81	0.7%
6 th -10 th	33	14	1	0	0	0	48	0.4%
TOTAL	9,237	1,515	446	34	6	8	11,246	100%

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 2021		FY 2022		FY 2023	
	Number	Percent	Number	Percent	Number	Percent
July	874	8.2%	962	9.2%	994	8.8%
August	967	9.1%	866	8.3%	960	8.5%
September	866	8.2%	844	8.1%	944	8.4%
October	876	8.3%	877	8.4%	1,007	9.0%
November	814	7.7%	859	8.2%	881	7.8%
December	857	8.1%	783	7.5%	873	7.8%
January	896	8.4%	868	8.3%	967	8.6%
February	839	7.9%	824	7.9%	792	7.0%
March	947	8.9%	938	9.0%	971	8.6%
April	875	8.2%	881	8.5%	931	8.3%
May	898	8.5%	885	8.5%	928	8.3%
June	910	8.6%	826	7.9%	998	8.9%
TOTAL	10,619	100%	10,413	100%	11,246	100%

Source: Utah Department of Public Safety, Driver License Division

Table A9. Arrests by Violation Type ([Return to p.15](#))

DUI-Related Arrests by Violation Type	FY 2021		FY 2022		FY 2023		Percent Change FY 22-23
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	8,726	82.2%	8,499	81.6%	9,237	82.1%	8.7%
Refusal of Chemical Test	1,362	12.8%	1,444	13.9%	1,515	13.4%	4.9%
Drug Metabolite	84	0.8%	22	0.2%	34	0.3%	54.5%
Not a Drop (< 21)	432	4.1%	407	3.9%	446	3.9%	9.6%
Commercial Driver (.04)	11	0.1%	15	0.1%	6	0.1%	-60.0%
Unknown (no box marked)	4	<0.1%	26	0.2%	8	0.1%	-69.2%
TOTAL	10,619	100%	10,413	100%	11,246	100%	8.0%

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 2013-2022									
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
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%
2022	59,006	908	1.5%	17,613	231	1.3%	319	69	21.6%

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 2013-2022									
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
2013	55,463	110	0.19%	15,618	69	0.44%	220	45	20.5%
2014	52,526	111	0.21%	15,753	71	0.45%	256	38	14.8%
2015	57,526	146	0.25%	17,064	90	0.52%	278	67	24.1%
2016	62,363	188	0.30%	18,324	143	0.78%	281	72	25.6%
2017	62,855	174	0.27%	18,085	129	0.71%	273	76	27.8%
2018	62,073	213	0.34%	17,976	171	0.95%	260	83	31.9%
2019	64,594	200	0.30%	18,454	136	0.73%	248	96	38.7%
2020	51,630	242	0.46%	15,899	166	1.04%	276	118	42.7%
2021	61,462	188	0.30%	18,247	164	0.89%	328	127	38.7%
2022	59,006	219	0.37%	17,613	176	0.99%	319	151	47.3%

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 2013-22									
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Stimulants	26	7	23	22	41	28	23	34	68	96
Depressants	12	6	20	33	22	27	37	16	36	92
Marijuana/THC	10	21	38	26	27	29	36	43	50	74
Opioids/Narcotics	12	12	14	28	32	16	18	16	20	34
Dissociative Anesthetics	0	0	0	2	4	0	0	0	0	0
Hallucinogens	0	0	2	0	0	1	1	0	0	1
Other Drug	23	7	17	9	2	1	2	44	6	4
Unknown Type	2	1	0	2	13	11	3	0	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 2021	FY 2022	FY 2023	% Change FY 22-23
Justice Courts	7,260	7,650	8,280	+8.2%
District Courts	2,921	3,202	3,885	+21.3%
Total Cases Disposed	10,181	10,852	12,165	+12.1%

Source: Utah Administrative Office of the Courts

Table A14. DUI-related Case Disposition Outcomes by Court Type in FY 2023 (Return to p.24)

Court	Case Disposition Outcome		
	Guilty Equivalent*	Not Guilty Equivalent*	Other*
Justice Courts	6,492	1,669	119
Percent	78.4%	20.2%	1.4%
District Courts	3,208	558	119
Percent	82.6%	14.4%	3.1%
Total Cases Disposed	9,700	2,227	238
Percent	79.7%	18.3%	2.0%

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 2023 (Return to p.24)

County	FY 2023 Justice Court DUI-Related Outcomes by County											
	Deceased	Declined Prosecution	Dismissed*	Diversion	Forfeiture*	Guilty*	No Cause of Action	No Contest	Not Guilty*	Plea in abeyance	Transferred*	Totals*
Beaver			5			16						21
Box Elder			47			134		1	1		2	187
Cache			44			207		4				256
Carbon		1	9			79		1			6	97
Daggett			2			3						5
Davis			80			387		12		1	4	488
Duchesne			15			29		5				50
Emery			11			25		1			1	38
Garfield			5			17					4	26
Grand			18			42					1	61
Iron			22			109		6			1	138
Juab	3		32		3	45		2			4	86
Kane			8			42		1		1	1	53
Millard			14			38		1				53
Morgan			6			10		1				17
Piute			1			1						2
Rich			2			8						10
Salt Lake		13	570			2,244		78	4	6	33	2,954
San Juan		2	14			72						90
Sanpete			16			42		7		2		67
Sevier	5		27		5	62		3		1		98
Summit			33			123	1	6	1		2	176
Tooele	5		125		5	195		4			3	333
Uintah	1		37		1	93		16		1	3	152
Utah		9	244			933		108	1	1	4	1,302
Wasatch		1	44			148		19	1	2	1	217
Washington		10	94			469		64			1	638
Wayne			2			7						9
Weber			87		1	516		22		2	20	656
Totals	16	36	1,624	0	17	6,096	1	362	8	17	91	8,280
Percent	0.0%	0.0%	19.6%	-	0.0%	73.6%	0.0%	4.4%	0.0%	0.0%	1.1%	100%

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 2023; pending cases were not included.

*Dismissed includes both w/o prejudice and w/prejudice; Forfeiture includes Bail Forfeiture; Guilty includes Guilty-Bench, Guilty-Jury, and Guilty Plea; Not Guilty includes Not Guilty-Jury; Transferred includes Set Aside; and Totals exclude Blanks.

Table A16. DUI-related Case Disposition Outcomes for District Courts by District in FY 2023
(Return to p.24)

Judicial District	FY 2023 District Court DUI-Related Outcomes by Judicial District													
	Deceased	Dismissed (w/o prej)	Dismissed w/ Prejudi	Diversion	Guilty	Guilty - Bench	Guilty - Jury	Guilty - Mental III	No Contest	Not Guilty - Jury	Plea in abeyance	Remanded	Transferred	Totals
1 st		31	8		214		1		1		2	3	1	261
2 nd		40	24		612		3	1	12			5	11	708
3 rd	3	129	53		838		2		8	1	3	30	2	1,069
4 th	1	76	67	2	746	1	1		60	3	3	3	44	1,007
5 th	2	48	7		334	1	2		10		4	4	2	414
6 th	2	17	22		145		1		5		1		1	194
7 th		1	9		82				2		1	1	1	97
8 th	1	3	19		105		1		6					135
Totals	9	345	209	2	3,076	2	11	1	104	4	14	46	62	3,885
Percent	0.0%	8.9%	5.4%	0.0%	79.2%	0.0%	0.0%	0.0%	2.7%	0.0%	0.0%	1.2%	1.6%	100%

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 2023; 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 2021	FY 2022	FY 2023
Number of Justice Courts Providing Data	116	113	112
Blood/Breath Alcohol Content (BAC) Known	6,605	7,177	7,883
Justice Courts	5,188	5,586	5,879
District Courts	1,417	1,591	2,004
Ignition Interlock Ordered	1,444	1,791	2,024
Justice Courts	992	1,241	1,249
District Courts	452	550	775
Supervised (Non-Court) Probation	3,542	3,806	4,465
Justice Courts	1,980	2,096	2,230
District Courts	1,562	1,710	2,235
Electronic Monitoring	719	961	1,190
Justice Courts	428	589	560
District Courts	291	372	630

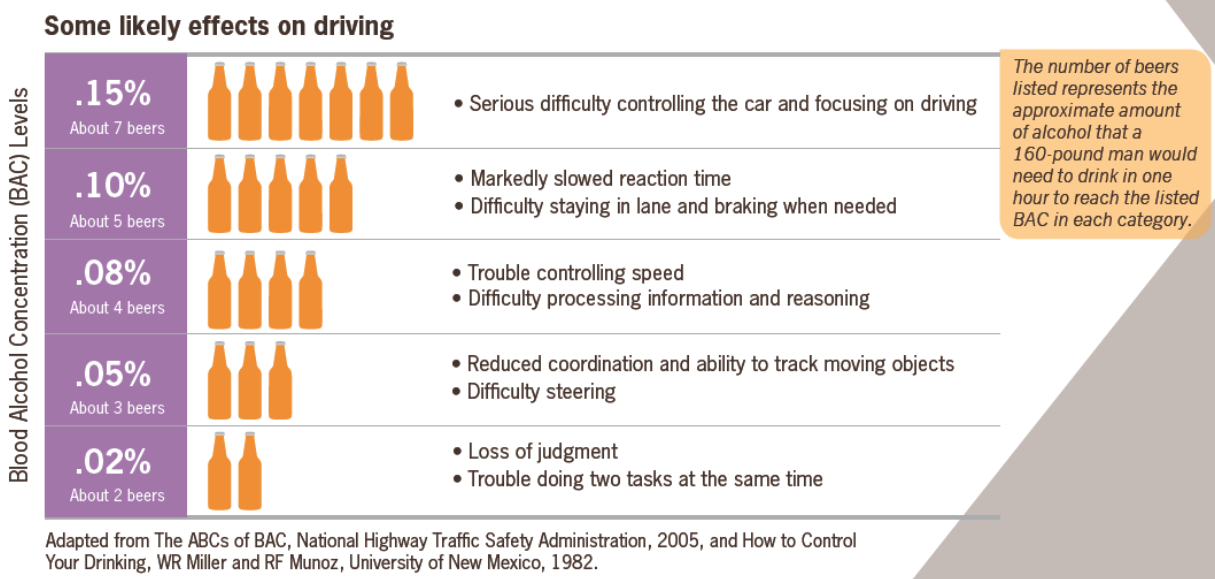
Source: Utah Administrative Office of the Courts

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 2021	FY 2022	FY 2023
Substance Use Disorder Screening & Assessment Ordered	5,792	6,166	6,926
Justice Courts	4,434	4,783	5,141
District Courts	1,358	1,383	1,785
Substance Used Disorder Treatment Ordered	4,514	4,827	5,371
Justice Courts	3,028	3,272	3,336
District Courts	1,486	1,555	2,035
Educational Series Ordered	3,459	3,381	3,477
Justice Courts	2,940	2,879	2,886
District Courts	519	502	591

Source: Utah Administrative Office of the Courts

Figure A1. Blood Alcohol Concentration and Likely Effects on Driving⁵ (Return to p.11)



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

DUI Statutory Overview

The latest (May 2023) 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^{1,2}

(Current as of May 2023)

Court-Ordered Sentencing		MISDEMEANOR DUI			
		FIRST CONVICTION	FIRST CONVICTION PLUS	SECOND CONVICTION WITHIN 10 YEARS	SECOND CONVICTION WITHIN 10 YEARS PLUS
FIRST CONVICTION <ul style="list-style-type: none"> • BAC .16 or higher • BAC .05 or higher + any controlled substance • Combination of two or more controlled substances 		FIRST CONVICTION PLUS <ul style="list-style-type: none"> • BAC .16 or higher • BAC .05 or higher + any controlled substance • Combination of two or more controlled substances 		SECOND CONVICTION WITHIN 10 YEARS	
SECOND CONVICTION WITHIN 10 YEARS PLUS <ul style="list-style-type: none"> • BAC .16 or higher • BAC .05 or higher + any controlled substance • Combination of two or more controlled substances² 					
CLASSIFICATION (§41-6a-503)	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> • if passenger is under 16⁴ • if passenger is under 18 and driver is 21 or older • if driving in the wrong direction on a divided or controlled-access highway 		CLASS A MISDEMEANOR		
Jail (§41-6a-505)	SHALL order: 2 days OR 48 hours compensatory service MAY: Suspend jail time if individual is participating in 24/7 sobriety program; ⁶ Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹	SHALL order not less than: <ul style="list-style-type: none"> • 5 days OR • 2 days AND 30 days consecutive electronic home confinement⁴ that includes substance abuse testing MAY: Suspend jail time if individual is participating in 24/7 sobriety program; ⁶ Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹	SHALL order not less than: <ul style="list-style-type: none"> • 10 days OR • 5 days AND 30 days electronic home confinement⁴ that includes substance abuse testing MAY: Suspend jail time if individual is participating in 24/7 sobriety program AND serves: <ul style="list-style-type: none"> • 5 days jail for a second offense or • 10 days jail for third/subsequent offense;⁶ Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹	SHALL order: <ul style="list-style-type: none"> • Not less than 20 days jail OR • 10 days jail AND 60 consecutive days electronic home confinement⁴ that includes substance abuse testing OR • Not less than 10 days jail AND substance use tx (if tx is more likely to reduce recidivism and is in interest of public safety) MAY: Suspend jail time if individual is participating in 24/7 sobriety program AND serves: <ul style="list-style-type: none"> • 5 days jail for a second offense; or • 10 days jail for third/subsequent offense;⁶ Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹	
Increased Sentencing (§41-6a-505)		SHALL order unless described on the record why the order(s) not appropriate: <ul style="list-style-type: none"> • Treatment and One or more of the following: <ul style="list-style-type: none"> • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement 		SHALL order unless described on the record why the order(s) not appropriate: <ul style="list-style-type: none"> • Treatment and One or more of the following: <ul style="list-style-type: none"> • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement 	
Supervised Probation⁷ (§41-6a-507)	MAY order supervision	SHALL order supervised probation			

Court-Ordered Sentencing	MISDEMEANOR DUI	
	FIRST CONVICTION	SECOND CONVICTION WITH IN 10 YEARS
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)
Screening, Assessment, Educational Series, and Treatment (§41-6a-505)	SHALL order: • Screening • Assessment (if found appropriate by screening) • Educational series, unless treatment is ordered MAY order: • Treatment 24-7 sobriety program	SHALL order: • Screening • Assessment (if found appropriate by screening) • Educational series, unless treatment is ordered MAY order: • Treatment 24-7 sobriety program
Impaired Driving (§41-6a-502.5)	A conviction may NOT 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)	Impaired driving is unavailable after first offense.
Ignition Interlock⁸ (§41-6a-518) (§41-6a-530)	SHALL order unless: • 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. SHALL order: • Interlock if under 21 Interlock for an ARD ⁹ violation OR describe on the record why such order not appropriate	
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or two years Court MAY shorten suspension periods for a convicted DUI defendant under the age of 21 if the defendant: completes at least six months of suspension, completes a screening, completes an assessment as appropriate, completes substance abuse treatment or educational series as appropriate, has not committed any traffic offense during suspension, has complied with probation, and provides an affidavit that the defendant has not unlawfully consumed alcohol.	

¹ 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.

² 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.

³ 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.

⁴ 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.

⁵ See §41-6a-506 for electronic home confinement provisions.

⁶ 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.

⁷ 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).

⁸ 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.

⁹ ARD = Alcohol Restricted Driver.

¹⁰ 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))

¹¹ A court may order a jail sentence imposed as a condition of misdemeanor probation to be served in multiple two-day increment 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))©

UTAH DUI STATUTORY OVERVIEW

(Current as of May 2023)

Court-Ordered Sentencing	FELONY DUI	
CLASSIFICATION (§41-6a-503)	THIRD DEGREE FELONY <ul style="list-style-type: none"> • if third or subsequent DUI offense within 10 years • if any prior felony DUI conviction or negligent operation of a vehicle resulting in injury conviction 	THIRD DEGREE FELONY PLUS: <ul style="list-style-type: none"> • BAC .16 or higher • BAC .05 or higher + any measurable controlled substance • Combination of two or more substances³
Jail (§41-6a-505)	SHALL order: 0-5 year prison term OR <ul style="list-style-type: none"> • 60 days jail AND • 60 days consecutive electronic home confinement that includes substance abuse testing MAY: Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹	SHALL order 0-5 year prison term OR <ul style="list-style-type: none"> • Not less than 120 days jail AND • 120 days consecutive electronic home confinement that includes substance abuse testing MAY: Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$53 court security fee, UNLESS a 0-5 prison term is imposed	
Screening, Assessment, Educational Series, and Treatment (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment • Treatment as appropriate UNLESS 0-5 prison term is imposed MAY order: 24-7 sobriety program ⁶	
Supervised Probation⁷ (§41-6a-507)	SHALL order supervised probation if 0-5 prison term is not imposed	
Ignition Interlock⁸ (§41-6a-518) (§41-6a-530)	SHALL order unless: 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.	
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or two years Court MAY shorten suspension periods for a convicted DUI defendant under the age of 21 if the defendant: completes at least six months of suspension, completes a screening, completes an assessment as appropriate, completes substance abuse treatment or educational series as appropriate, has not committed any traffic offense during suspension, has complied with probation, and provides an affidavit that the defendant has not unlawfully consumed alcohol.	

The following statutory provisions also apply to DUI offenders, although they do not require a court order. Failure to comply carries additional criminal sanctions.

Statutory Provisions	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSES WITHIN 10 YEARS
Driver License Denial, Suspension, or Revocation		
Driving Under the Influence/ DUI Conviction (§41-6a-509)	If 21 or older: 120 days If 19-20: Longer of one year or until 21st birthday If under 19: Until 21st birthday	If 21 or older: 2 years If 19-20: Longer of 2 years or until 21st birthday If under 19: Until 21st birthday
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	If 21 or older: 120 days If 19-20: Longer of one year or until 21st birthday If under 19: Until 21st birthday	If 21 or older: 2 years If 19-20: Longer of two years or until 21st birthday If under 19: Until 21st birthday
Refusal of Chemical Test (§41-6a-521)	If 21 or older: 18 months If under 21: Longer of 2 years or until 21st birthday	If 21 or older: 36 months If under 21: Longer of 36 months or until 21st birthday
Per se Arrest (§53-3-223) ≥ .05 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system	If 21 or older: 120 days If under 21: 6 months	If 21 or older: 2 years If under 21: Longer of 2 years or until 21st birthday
Not A Drop (§53-3-231) A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body	If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months	If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday
Failure to Install or Removal of Ignition Interlock Device (§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.	
Early License Reinstatement for Drivers Under 21		
Driving Under the Influence/DUI Conviction First Conviction (§41-6a-509)	Court may order shortening of the suspension period after 6 months if the person completes a screening; completes an assessment if appropriate; completes an education series or substance abuse treatment, as deemed appropriate by the court; has not been convicted of a violation of a motor vehicle law during the suspension period; has complied with all terms of probation or all court orders if not ordered to probation; and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period.	
Driving with Controlled Substance/ Metabolite in Body Conviction First Conviction (§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.	
Early License Reinstatement for Drivers 21 or Older		
Driving Under the Influence/DUI Conviction First Conviction (§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.	
Driving with Controlled Substance/ Metabolite in Body Conviction First Conviction (§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 1st DUI (§41-6a-502) if over 21 or refused blood draw (§41-6a-520.1(1))
- **3 years IRD** for 1st Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-520), or 1st DUI (§41-6a-502) if under 21 or refused blood draw if under 21 (§41-6a-520.1(1))
- **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 2nd+ offense for refused blood draw (§41-6a-520.1(1))
- **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 1st 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 1st Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502)
- **10 years ARD** for 2nd 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 2nd offense of Refusal to Submit to Chemical Test** (§41-6a-520.1(1)) 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-520.1(1))
- **Lifetime ARD** for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207)



Prepared by:

Ben Peterson, Ph.D.
Director of Research & Data

Utah Commission on Criminal & Juvenile Justice
State Capitol Complex
Senate Office Building, Suite 330
P.O. Box 142330
Salt Lake City, UT 84114-2330
Phone: 801.538.1031 ■ Fax: 801.538.1024
<https://justice.utah.gov>