

DRIVING UNDER THE INFLUENCE			
Plea Requirements:			
- As of July 1, 2008, no plea may be held in abeyance in any case involving a driving under the influence violation, under 41-6a-502. (77-2a-3(8)).			
Sentencing Requirements	First Offense	Second Offense w/in 10 years	Felony DUI
Classification (41-6a-503)	(1) Class B Misdemeanor (2) Class A Misdemeanor: - If bodily Injury - If passenger is under 16 - If passenger is under 18 and driver 21 or older	(1) Class B Misdemeanor (2) Class A Misdemeanor: - If bodily Injury - If passenger is under 16 - If passenger is under 18 and driver 21 or older	Third Degree Felony - If 3 rd or subsequent offense w/in 10 years - If serious bodily injury - If any prior felony DUI or automobile homicide conviction
Jail Requirements (41-6a-505) The Court <i>SHALL</i> order:	(1) 48 consecutive hours of jail; OR (2) 48 hours of compensatory-service work program; OR (3) Electronic monitoring home confinement, in accordance with 41-6a-505	(1) 240 consecutive hours of jail; OR (2) 240 hours of compensatory-service work program; OR (3) Electronic monitoring home confinement, in accordance with 41-6a-505	
Fine (41-6a-505) The Court <i>SHALL</i> order:	\$700 minimum plus surcharge Bail Schedule: \$1365	\$800 minimum plus surcharge Bail Schedule: \$1575	
Screening, Assessment, Education Series, and Treatment Requirements: (41-6a-505)	SHALL order: (1) Screening (2) Assessment, if found appropriate by screening (3) Educational Series, unless treatment is ordered. MAY order treatment	SHALL order: (1) Screening (2) Assessment, if found appropriate by screening (3) Educational Series, unless treatment is ordered. MAY order treatment	
Probation (41-6a-507)	MAY order supervised probation	SHALL order supervised probation	
Ignition Interlock Device (41-6a-518) (41-6a-530)	MAY order the IID SHALL order the IID if under 21	MAY order the IID SHALL order the IID if under 21	
High BrAC/BAC (.16 or higher) (41-6a-505)	SHALL order supervised probation SHALL order treatment and IID and/or home confinement. OR state on record, why order is not appropriate	SHALL order supervised probation SHALL order treatment and IID and/or home confinement. OR state on record, why order is not appropriate	
IMPAIRED DRIVING			
Two Type of Impaired Driving Pleas:			
(1) Impaired Driving Plea is contingent on the defendant completing court ordered probation requirements (41-6a-502.5(1)(a)); OR			
(2) The prosecutor agrees as part of the negotiated plea AND the Court finds the plea to be in the interest of justice (41-6a-502.5(1)(b)).			
Springback DUI (41-6a-502.5(1)(a))			
- If the defendant fails to appear and establish successful completion of probation, the court shall enter an amended conviction of 41-6a-502.			

* see next pg for refusal

Classification	Class B Misdemeanor (41-6a-502.5(4))	
Jail Requirements	No Minimum Mandatory Requirements	
Fine	No Minimum Mandatory Requirements Uniform Fine/Bail Forfeiture Schedule: \$1365	
Screening, Assessment, Education Series, and Treatment Requirements	The same requirements for DUI screening, assessment, education series, or treatment requirements apply to Impaired Driving.	
Probation (41-6a-507)	No Mandatory Requirement for Supervised Probation	
DRIVING WITH MEASURABLE CONTROLLED SUBSTANCE		
	For cases not amounting to DUI, under 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.	
	Affirmative Defense: (1) Involuntary ingestion; (2) prescribed by a practitioner for use by the accused; or (3) otherwise legally ingested.	
Classification	Class B Misdemeanor (41-6a-517(4))	
Jail Requirements	No Minimum Mandatory Requirements	
Fine	No Minimum Mandatory Requirements Uniform Fine/Bail Forfeiture Schedule: \$787.00	
Screening, Assessment, Education Series, and Treatment Requirements	The same requirements for DUI screening, assessment, education series, or treatment requirements apply to Driving with Measurable Controlled Substance.	
Probation (41-6a-507)	Mandatory Requirement for Supervised Probation (41-6a-517(8)).	
OTHER DUI CONSEQUENCES		
DUI	First Offense	Second Offense
Driver License Suspension (41-6a-509)	If under 21: suspended for 120 days, or until individual is 21 years of age, whichever is longer If 21 or older: Suspended for 120 days. OR If not issued a license deny application for learner's permit for 120 days, or until 21, whichever is longer.	If under 21: suspended for 2 years, or until individual is 21 years of age, whichever is longer If 21 or older: Suspended for 2 years. OR If not issued a license deny application for learner's permit for 2 years, or until 21, whichever is longer.
Alcohol Restriction	Class B - 2 year restriction; Class A - 5 years	10 year restriction
Ignition Interlock	If under 21: 3 years If 21 or older: 18 months	Required for 3 years
DUI REFUSAL	First Offense	Second Offense
Driver License Suspension (41-6a-521)	If under 21: revoked for 18 months, or until individual is 21 years of age, whichever is longer If 21 or older: revoked for 18 months.	If under 21: revoked for 36 months, or until individual is 21 years of age, whichever is longer If 21 or older: revoked for 36 months.
Alcohol Restriction (41-6a-529(1)(c)-(d))	5 year restriction	10 year restriction
Ignition Interlock (41-6a-518.2(1)(b)(E))	Required for 3 years	Required for 3 years

- regardless of alc or drugs

IMPAIRED DRIVING		
Driver License Suspension	If it is a per se arrest, and a 1 st offense the DLD will reduce the suspension to no time suspension and early reinstatement	
Alcohol Restriction	2 year restriction, 10 year restriction (for a 2 nd)	
Ignition Interlock	No mandatory requirement	
DRIVING WITH MEASURABLE CONTROLLED SUBSTANCE		
Driver License Suspension	If under 21: suspended for 120 days, or until individual is 21 years of age, whichever is longer If 21 or older: Suspended for 120 days.	If under 21: suspended for 2 years, or until individual is 21 years of age, whichever is longer If 21 or older: Suspended for 2 years.
Alcohol Restriction	No mandatory requirement	
Ignition Interlock	No mandatory requirement	
ALCOHOL RESTRICTED DRIVER		
TWO YEAR PERIOD	Qualifying Pleas	Penalty
(1) Conviction of DUI (41-6a-502)	A plea of guilty or no contest to a violation a qualifying violation, including those pleas which are held in abeyance, even if the charge has been subsequently reduced or dismissed	<u>Fine:</u> No mandatory minimum Uniform Bail/Fine schedule: \$1575 <u>Jail:</u> No mandatory minimum <u>Probation:</u> No mandatory supervised probation requirement <u>Other:</u> <ul style="list-style-type: none">- Extends Alcohol Restriction for 3 years- Revokes Utah driving privileges for one (1) year.- The court shall order the installation of an ignition interlock system as a condition of probation, or describe on the record on in a minute entry why the order would not be appropriate
(2) Conviction of ARR/DRR (41-6a-512)		
(3) Conviction of Impaired Driving (41-6a-502.5)		
(4) Conviction of local ordinance (41-6a-510)		
THREE YEAR PERIOD		
(1) Prior conviction of Alcohol Restriction		
FIVE YEAR PERIOD		
(1) License revoked for Refusal (41-6a-520)		
(2) Convicted of Class A DUI (41-6a-502)		
TEN YEAR PERIOD		
(1) 2 nd DUI Conviction w/in 10 years		
(2) 2 nd revocation for Refusal w/in 10 years		
LIFETIME RESTRICTION		
(1) Conviction of Automobile Homicide		
(2) Felony DUI Conviction		
ANYONE UNDER THE AGE OF 21		
IGNITION INTERLOCK DEVICE VIOLATION		
18 MONTH PERIOD	Qualifying Pleas	Penalty
(1) First DUI Conviction	A plea of guilty or no contest to a violation a qualifying violation, including those pleas which are held in abeyance, even if the charge has been subsequently reduced or dismissed	<u>Fine:</u> No mandatory minimum Uniform Bail/Fine schedule: \$583 <u>Jail:</u> No mandatory minimum <u>Probation:</u> No mandatory supervised probation requirement <u>Other:</u> <ul style="list-style-type: none">- Extends IID requirement for 3 years- Revokes Utah driving privileges for one (1) year.
3 YEAR PERIOD		
(1) 2 nd DUI w/in 10 years		
(2) 1 st DUI if under 21 years of age		
(3) Prior IID conviction		
(4) License revoked for Refusal		
6 YEAR PERIOD		
(1) Felony DUI conviction		
10 YEAR PERIOD		
(1) Conviction for Automobile Homicide		

UTAH DUI SENTENCING MATRIX (Current as of October 2009)

Court-Ordered Sentencing CLASSIFICATION (\$41-6A-503)	MISDEMEANOR DUI			FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE w/IN 10 YEARS	THIRD DEGREE FELONY	
	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: • if bodily injury ¹ • if passenger is under 16 • if passenger is under 18 and driver 21 or older	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: • if bodily injury ¹ • if passenger is under 16 • if passenger is under 18 and driver 21 or older	• if third or subsequent offense within 10 years • if serious bodily injury ¹ • if any prior felony DUI or automobile homicide conviction	
Jail (\$41-6A-505)	48 consecutive hours OR 48 hours compensatory service OR electronic home confinement	240 consecutive hours OR 240 hours compensatory service OR electronic home confinement	0-5 years OR 1,500 hours jail (62.5 days) May order: electronic home confinement	
Fine SHALL Order:	• \$700 minimum plus surcharge SHALL Order: • Screening • Assessment (if found approp. by screen) • Educational Series, unless treatment is ordered • MAY order treatment	• \$800 minimum plus surcharge SHALL Order: • Screening • Assessment (if found approp. by screen) • Educational Series, unless treatment is ordered • MAY order treatment	• \$1,500 min. plus surcharge, unless 0-5 term imposed SHALL Order: • Screening • Assessment • Intensive Treatment or inpatient treatment and aftercare for not less than 240 hours, unless 0-5 prison term is imposed.	
Screening, Assessment, Education Series, Treatment \$41-6A-505	• MAY order supervised probation	• MAY order supervised probation	• SHALL order supervised probation if 0-5 prison term not imposed	
Probation: ³ (\$41-6A-507)	• MAY order: ignition interlock • SHALL order interlock if under 21 • SHALL order interlock for an ARD ⁵ violation OR describe on the record why such order not appropriate	• MAY order: ignition interlock • SHALL order interlock if under 21 • SHALL order interlock for an ARD ⁵ viol OR describe on the record why such order not appropriate	• MAY order: ignition interlock • SHALL order interlock if under 21 • SHALL order interlock for an ARD ⁵ viol OR describe on the record why such order not appropriate	
Ignition Interlock: ⁴ (\$41-6A-518) (\$41-6A-530)	• SHALL order supervised probation ³ • SHALL order treatment and interlock ⁴ and/or home confinement ² , OR describe on the record why such order not approp.	• SHALL order supervised probation ³ • SHALL order treatment and interlock ⁴ and/or home confinement ² , OR describe on the record why such order not approp.	• SHALL order supervised probation ³ if 0-5 term not imposed • SHALL order treatment and interlock ⁴ and/or home confinement ² , OR describe on the record why such order not appropriate	
High BAC: (.16 or higher) (\$41-6A-505)	• Court MAY order additional 90 days, 180 days, 1 year or 2 years	• Court MAY order additional 90 days, 180 days, 1 year or 2 years	• Court MAY order additional 90 days, 180 days, 1 year or 2 years	
License Suspension: (\$41-6A-509)				

¹ A person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury, or death, whether or not the injuries arise from the same episode of driving.

² See §41-6A-506 for Electronic Home Confinement provisions

³ Supervised probation is also required for all violations of §41-6A-517 (driving with any measurable controlled substance in the body).

⁴ Adoption of the ignition interlock restricted driver (IRD) provision (§41-6A-518.2) does not change the obligation of judges to impose interlock as cond of prob.

⁵ Alcohol restricted Driver

Source: <http://www.usaav.utah.gov/Interventions/09DUIAnnualReport.pdf>