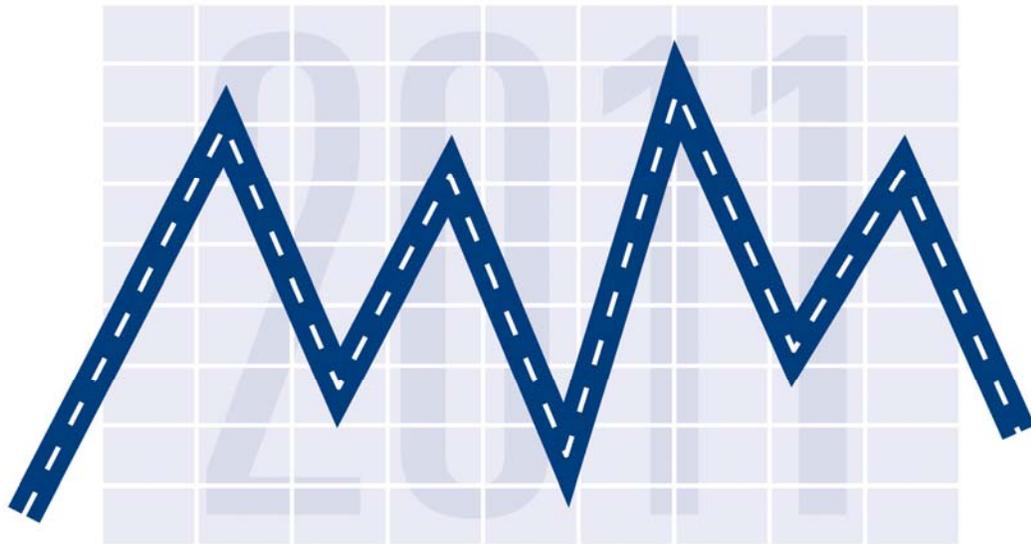


UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Ninth Annual DUI Report to the Utah Legislature



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Acknowledgements

The Utah Commission on Criminal and Juvenile Justice acknowledges the contributions of the Utah Substance Abuse Advisory (USAAV) Council, specifically the Council's DUI Committee chaired by Anna Kay Waddoups.

Also contributing to this report are the Utah Administrative Office of the Courts and the Utah Department of Public Safety, including the Highway Patrol, Bureau of Criminal Identification, Driver License Division and Highway Safety Office.

Special thanks to Marty Asay, Paul Boyden, George Braden, Art Brown, Kim Gibb, Ron Gordon, Laurie Gustin, Jennifer Hemenway, Sandi Johnson, Gary Mower, Teri Pectol, Ben Peterson, Jacey Skinner, Monica Taylor, Sgt. Ted Tingey, Ken Vargason, and David Walsh for their assistance in preparing this report.

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Statistical Note: Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.

Executive Summary

DUI in Utah FY 2011

DUI-Related Fatalities Decreased in CY 2010

- DUI-related fatalities in Utah decreased from 31 in CY 2009 to 25 in CY 2010.

Law Enforcement: Arrests

- There were 13,816 DUI arrests in FY 2011. This was 1,469 fewer than in the previous year, a decrease of nearly 10 percent.
- The majority of the arrests, almost 84 percent, were for violation of the .08 blood/breath alcohol concentration (BAC) per se statute.
- Refusals to submit to a chemical test at the time of arrest decreased 22 percent.
- Not a Drop violations by persons under the legal drinking age of 21 decreased by 15 percent.
- Arrests included 1,020 made during specialized DUI overtime enforcement events that involved 96 law enforcement agencies throughout the state.
- Slightly over half of all DUI arrests were made by municipal law enforcement agencies.
- Seventy-three percent of DUI drivers were male, but the proportion of female DUI drivers continued to increase.

- Nine percent of arrestees were under the legal drinking age of 21.
- According to 2010 Census data, Utahns ages 21-36 made up 37 percent of the state's adult population, yet they were responsible for 57 percent of all DUI arrests.
- The average BAC was .14, with the highest at .45, *over five times* the legal limit!
- The majority of DUI arrests occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for 72 percent of the total.
- Sixty-eight percent of arrests were for a first DUI offense, 21 percent were for a second offense, nearly seven percent were for a third offense, and almost four percent were for a fourth or subsequent offense.
- From CY 2009 to CY 2010, the percentage of total crash fatalities that were DUI-related decreased from 12.7 percent to 9.9 percent, and the DUI-related fatality rate per 100 million vehicle miles traveled decreased from 0.12 in to 0.09.

Courts: Adjudications and Sanctions

- In FY 2011, there were 10,077 DUI cases in Utah's Justice Courts. Among the cases resolved, 53 percent resulted in a guilty plea or verdict.
- Justice Court judges ordered offenders to participate in an educational series in 2,487 cases, ordered offenders into substance abuse treatment in 1,965 cases, and ordered ignition interlock devices in 1,036 cases.
- There were 2,115 DUI cases disposed by the state's District Courts. Among the cases resolved, 75 percent resulted in a guilty plea or verdict.
- District Court judges ordered offenders to participate in an educational series in 337 cases, ordered offenders into substance abuse treatment in 674 cases, and ordered ignition interlock devices in 295 cases.

Driver License Control

- The Driver License Division conducted 5,686 hearings in FY 2011 to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.



According to the Utah Highway Safety Office, an alcohol-impaired driver crash occurs in Utah every four hours.

Introduction

Jose Guevara, 50, and his wife were driving near 3550 West and 2100 South in West Valley City at about 5:00 p.m. on October 26, 2010. A Chevy van driven by Rosalina Tivao crossed the center lane and crashed head on into their Suzuki Forenza. Jose died at the scene; the crash left Guadalupe Guevara in critical condition with leg and chest injuries.

Rosalina Tivao, 42, had a history of driving under the influence. In 2006, she was convicted of DUI in California. On July 2, 2010, she was stopped by the Utah Highway Patrol in South Salt Lake and arrested for DUI. Her blood alcohol level was .20 at the time, and at a subsequent driver license hearing her license was revoked until 2013 for refusing to submit to a chemical test. Officers who responded to the crash scene on October 26, 2010 could smell a strong odor of alcohol and Tivao had slurred speech. In Tivao's van, officers located a carton of Bud Dry containing three empty cans and another 12-pack of Bud Dry containing 10 full cans of beer. On the floor next to the right front door, they found a half full can of Bud Dry beer. Tivao's blood alcohol level was .31, nearly four times the legal limit!



As a result of the October 26, 2010 incident, Rosalina Tivao was charged with automobile homicide, a second degree felony; driving under the influence of alcohol, a third degree felony; driving on a suspended or revoked operator's license, a class B misdemeanor; alcohol restricted driver, a class B misdemeanor; open container in vehicle, a class C misdemeanor; and failure to operate a vehicle on the right side of the roadway, a class C misdemeanor. She pled guilty to automobile homicide and DUI. On May 13, 2011, the judge ordered the two counts to run consecutively, and Rosalina Tivao was sentenced to prison for up to 16 years.

Despite the declining and relatively lower rates of DUI and DUI-related fatalities in Utah when compared to national figures, driving under the influence of alcohol and/or other drugs continues to be a threat to the citizens of our state. DUI is a senseless and completely preventable violent crime that injures and kills far too many Utahns every year.

Information for this story was obtained from the probable cause statement provided by the Salt Lake County District Attorney's Office, articles in the Salt Lake Tribune, and on the connect2utah.com and abc4.com websites.

Purpose of the Report

The *Ninth Annual Driving Under the Influence Report to the Utah Legislature* was prepared in accordance with §41-6a-511 of the Utah Code. The statute requires the Utah Commission on Criminal and Juvenile Justice to prepare an annual report of DUI related data, including the following:

- Data collected by the state courts to allow sentencing and enhancement decisions to be made in accordance with violations involving driving under the influence of alcohol and/or other drugs;
- Data collected by the justice courts (same DUI related data elements collected by the state courts); and
- Any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of:
 - law enforcement;
 - adjudication;
 - sanctions;
 - driver license control; and
 - alcohol education, assessment, and treatment.

2011 DUI and Related Legislation



The following bills and one appropriation were passed by the Utah Legislature in the 2011 General Session:

S.B. 28 Alcohol or Drug Related Offense Amendments *Senator Scott K. Jenkins*

This bill modifies provisions relating to the driver license suspension period and other sentencing requirements for certain alcohol or drug related offenses.

Amends the administrative suspension periods for certain alcohol related offenses.

Amends the driver license suspension period for a person convicted of certain alcohol or drug related offenses.

Provides that a court may shorten a person's driver license suspension period for certain alcohol or drug related offenses prior to the completion of the suspension period if the person completes certain requirements.

S.B. 77 Ignition Interlock System Amendments *Senator John L. Valentine*

This bill modifies the Motor Vehicles Code and the Public Safety Code by amending provisions relating to ignition interlock systems.

Requires an ignition interlock system provider or an ignition interlock system installer to be licensed by the Driver License Division.

Requires the Driver License Division to issue licenses for ignition interlock system providers and installers and specifies procedures and requirements for issuing the licenses.

Grants the Driver License Division rulemaking authority to establish procedures for the implementation of the ignition interlock system provider and installer licensure program.

Requires an ignition interlock system provider who installs an ignition interlock system on a person's vehicle to: provide proof of installation to the person, electronically notify the division of installation of an

ignition interlock system on the person's vehicle, and electronically notify the division if a person has removed an ignition interlock system from the person's vehicle.

Requires the Driver License Division to suspend the license of any person who is an ignition interlock driver upon notice to the person for the duration of the person's ignition interlock restriction period until the division: receives electronic notification from an ignition interlock system provider showing new proof of the installation of an ignition interlock system, or electronically verifies that the person does not have a vehicle registered in the person's name.

Requires the Driver License Division to suspend the license of any person without hearing and without receiving a record of the person's conviction of crime seven days after receiving electronic notification from a provider that a person has removed an ignition interlock system from the person's vehicle if the person is an interlock restricted driver until the division: receives electronic notification from an ignition interlock system provider showing new proof of the installation of an ignition interlock system, or electronically verifies that the person does not have a vehicle registered in the person's name.

Grants the Driver License Division authority to make administrative rules regarding the administration of the ignition interlock system program and certification and regulation of ignition interlock system providers.

S.B. 114 **Municipal Prosecutorial Discretion**
Senator Daniel W. Thatcher

This bill modifies the Municipal Code relating to the duties of a city attorney.

Permits a city attorney who has a conflict of interest in a prosecution matter to appoint a city attorney from another municipality or a public prosecutor to prosecute in the court having jurisdiction over the matter.

H.B. 20 **Accident Responsibility Amendments**
Representative Christopher N. Herrod

This bill modifies the Motor Vehicles Code by amending provisions relating to accident responsibilities.

Clarifies that an operator of a vehicle who has reason to believe that the operator has been involved in an accident shall stop the vehicle at the scene of the accident and fulfill certain requirements.

Provides that if an operator of a vehicle has reason to believe that the operator has been involved in a motor vehicle accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with certain requirements.

Clarifies that a person is guilty of a class A misdemeanor if the person does not comply with the accident responsibility requirements and the accident resulted in injury to any person.

Clarifies that a person is guilty of a felony if the person does not comply with certain accident responsibility requirements and the accident resulted in serious bodily injury to a person or the death of a person.

H.B. 23 **Controlled Substance Modifications**
Representative Gage H. Froerer

This bill modifies provisions relating to the Utah Controlled Substances Act by creating a controlled class of listed synthetic cannabinoid substances found in products often referred to as “spice”, and a list of substances found in products referred to as “bath salts”.

Expands the definition of a controlled substance to include a list of synthetic equivalent cannabinoid substances and their analogs and homologs found in products commonly referred to as “spice”.

Expands the definition of a controlled substance to include substances and their analogs and homologs found in products referred to as “bath salts”.

Clarifies that the tetrahydrocannabinols in Schedule I of the Utah Controlled Substances Act include those both naturally and synthetically derived.

Provides that it is an affirmative defense that the person produced, possessed, or administered any of these listed substances if the person was engaged in medical research and was a holder of a license to possess controlled substances for research.

Authorizes the Controlled Substances Advisory Committee to recommend placement of a substance on a controlled substance list if it finds that the substance has a potential for abuse and that an accepted standard has not been established for safe use in treatment for medical purposes.

Adds “spice” and “bath salts” to the driver license provisions regarding driving under the influence.

Provides that a legislative body of a political subdivision may not enact an ordinance that is less restrictive than any provision of the Utah Controlled Substances Act.

H.B. 45 **Vehicle Impound Amendments**
Representative Jeremy A. Peterson

This bill modifies the Motor Vehicle Act by amending provisions relating to circumstances where a peace officer is permitted to seize a vehicle, vessel, or outboard motor.

Provides that a peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor: that the division or the peace officer has reason to believe has been involved in an accident involving property damage, injury, or death; and whose operator did not remain at the scene of the accident until the operator fulfilled certain requirements.

Appropriation

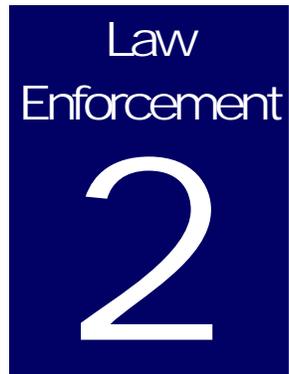
Alcoholic Beverage Enforcement and Treatment Restricted Account

The 2011 Legislature appropriated \$5,308,900 to the Alcoholic Beverage Enforcement and Treatment Restricted Account (§32B-2-401) for FY 2012. Funding from this account is distributed on a formula basis to Utah’s municipalities and counties to be used for one or more of the following purposes: (1) DUI law enforcement, (2) general alcohol-related law enforcement, (3) prosecution/court costs for alcohol-related cases, (4) treatment of alcohol problems, (5) alcohol-related education/prevention, and (6) confinement of alcohol law offenders.

FY 2011 USAAV DUI Committee

The Utah Substance Abuse Advisory Council's DUI Committee members represent state and local agencies and organizations dealing with the DUI issue in Utah. With the support and action of the Utah Legislature and other key leaders and policymakers, during FY 2011 the Committee continued its work to strengthen Utah's ability to more effectively address the DUI problem.

Anna Kay Waddoups Citizen Member and Chair	
Senator Stuart Adams	Senator <i>Utah State Senate</i>
David Beach	Director, Highway Safety Office <i>Utah Department of Public Safety</i>
Edward Berkovich	Traffic Safety Resource Prosecutor <i>Utah Prosecution Council</i>
Bart Blackstock	Citizen Member and Former Deputy Director of the Driver License Division, <i>Utah Department of Public Safety</i>
Paul Boyden Vice Chair	Executive Director <i>Statewide Association of Prosecutors</i>
Neil Cohen	Compliance Officer <i>Utah Department of Alcoholic Beverage Control</i>
Patty Fox	Post-Trial Services Program Manager <i>Salt Lake County Criminal Justice Services</i>
Colonel Daniel Fuhr	Superintendent, Utah Highway Patrol <i>Utah Department of Public Safety</i>
Kim Gibb	Chief, Administrative Programs Bureau, Driver License Division, <i>Utah Department of Public Safety</i>
Chief Wayne Hansen	Farmington Police Department <i>Utah Chiefs of Police Association</i>
Gail Johnson	Education Specialist for Driver Education <i>Utah State Office of Education</i>
Teri Pectol	Impaired Driving/Youth Alcohol Program Manager, Highway Safety Office, <i>Utah Department of Public Safety</i>
Richard Schwermer	Assistant State Court Administrator <i>Administrative Office of the Courts</i>
Sheriff Kirk Smith	Washington County Sheriff's Office <i>Utah Sheriffs Association</i>
Holly Watson	Substance Abuse Education Program Manager <i>Utah Division of Substance Abuse and Mental Health</i>
Mary Lou Emerson <i>Director, USAAV Council</i>	Monica Taylor <i>Administrative Assistant, USAAV/CCJJ</i>



Law Enforcement

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI arrests. In FY 2011, law enforcement officers made 13,816 DUI arrests. This was 1,469 fewer than in FY 2010, representing a decrease of nearly 10 percent.

DUI Arrests

DUI Arrests by Violation Type

As illustrated in the following table, the distribution of DUI arrests by type of violation in FY 2011 was very similar to previous years. The majority of the arrests, nearly 84 percent, were for violations of the per se alcohol law, for driving at or above the legal blood/breath alcohol concentration level of .08. 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 or other drugs. Just under 10 percent of arrests were for refusal to submit to a chemical test. It is also illegal to drive with any measurable controlled substance metabolite in one's body, which accounted for about one percent of arrests. Violations of the Not a Drop statute, by persons under the age of 21 who drove with any measurable alcohol concentration in their body, accounted for five percent of the arrests. The fewest arrests were of commercial drivers exceeding the .04 limit, which represented only 0.1 percent of the total. Of particular note are the numbers of arrests for test refusals and Not a Drop violations in FY 2011. Refusals decreased 22 percent from the previous year, and Not a Drop arrests decreased 15 percent.

DUI Arrests by Violation Type	FY 2009		FY 2010		FY 2011		Percent Change FY 10-FY 11
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol (.08)	12,705	81.0%	12,559	82.2%	11,586	83.9%	-7.9%
Refusal of Chemical Test	1,872	11.9%	1,704	11.1%	1,324	9.6%	-22.3%
Not a Drop (< 21)	877	5.6%	834	5.5%	706	5.1%	-15.3%
Drug Metabolite	205	1.3%	174	1.1%	185	1.3%	+6.3%
Commercial Driver (.04)	24	0.2%	14	0.1%	15	0.1%	+7.1%
TOTAL	15,683	100.0%	15,285	100.0%	13,816	100.0%	-9.6%

Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in FY 2011 included those that occurred as a result of specialized DUI overtime enforcement events targeted at removing drivers under the influence of alcohol and/or other drugs from Utah’s roads. A portion of the DUI impound fees collected was specifically designated to fund the overtime shifts. During FY 2011, 96 law enforcement agencies throughout the state participated in overtime events, including local police agencies, sheriffs’ offices, the Utah Highway Patrol, Motor Vehicle Enforcement, Utah Parks & Recreation, and two university police departments.

The table below shows the measures associated with DUI overtime enforcement events in FY 2011. Of the total 1,020 DUI arrests, 769 were for alcohol, 168 were for other drugs, and 83 were for metabolite.

Statewide DUI Overtime Enforcement Events	FY 2009	FY 2010	FY 2011	Percent Change FY 10 – FY 11
DUI Shifts Worked	2,180	2,235	2,183	-2.3%
Vehicles Stopped	19,233	22,340	21,352	-4.4%
DUI Arrests	1,232	1,053	1,020	-3.1%
Vehicles Impounded	1,173	961	929	-3.3%
Alcohol-Related Arrests*	742	616	640	+3.9%
Drug-Related Arrests**	440	461	509	+10.4%
Warrants Served	544	427	465	+8.9%
Other Warnings/Citations	17,199	17,883	17,547	-1.9%

Source: Utah Department of Public Safety, Highway Safety Office
 *Includes open container and underage/youth alcohol violations (e.g., possession, consumption, attempted purchase, Not a Drop)
 **Felony and misdemeanor (e.g., drug possession)

DUI Arrests by Agency Type

Over half of all arrests in FY 2011 were made by municipal law enforcement agencies, with the Utah Highway Patrol responsible for 35 percent of arrests, and county sheriffs’ offices responsible for nearly 13 percent of DUI arrests.

DUI Arrests by Agency Type	FY 2009		FY 2010		FY 2011	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs’ Offices	2,576	16.4%	2,143	14.0%	1,787	12.9%
City Police/Other	8,733	55.7%	7,617	49.8%	7,140	51.7%
Highway Patrol	4,374	27.9%	5,525	36.1%	4,889	35.4%
TOTAL	15,683	100.0%	15,285	100.0%	13,816	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Gender

The table on the following page shows the proportions of male and female arrestees have remained fairly consistent over the past three years, although the proportion of females arrested for DUI appears to be increasing. In FY 2011, 73 percent of arrestees were male and 26 percent were female. From FY 2003 to FY 2011, the proportion of females arrested for DUI has increased eight percent.

DUI Arrests by Gender	FY 2009		FY 2010		FY 2011	
	Number	Percent	Number	Percent	Number	Percent
Male	11,972	76.3%	11,402	74.6%	10,109	73.2%
Female	3,653	23.3%	3,815	25.0%	3,663	26.5%
Unspecified	58	0.4%	68	0.4%	44	0.3%
TOTAL	15,683	100.0%	15,285	100.0%	13,816	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Age

The youngest DUI driver in FY 2011 was 14 years old, and the oldest was in his early eighties. Nine percent of arrestees were under the legal drinking age of 21.

According to 2010 Census data, Utahns ages 21-36 made up 37 percent of the state’s adult population, yet they were responsible for 57 percent of all DUI arrests.

DUI Arrests by Age	FY 2009		FY 2010		FY 2011	
	Number	Percent	Number	Percent	Number	Percent
Unknown	1	< 0.1%	1	< 0.1%	1	< 0.1%
14-20	1,556	9.9%	1,457	9.5%	1,303	9.4%
21-24	2,894	18.5%	2,853	18.7%	2,458	17.8%
25-36	6,087	38.8%	5,922	38.7%	5,411	39.2%
37-48	3,255	20.8%	3,049	19.9%	2,737	19.8%
49-84	1,890	12.1%	2,003	13.1%	1,906	13.8%
TOTAL	15,683	100.0%	15,285	100.0%	13,816	100.0%

Source: Utah Department of Public Safety, Driver License Division

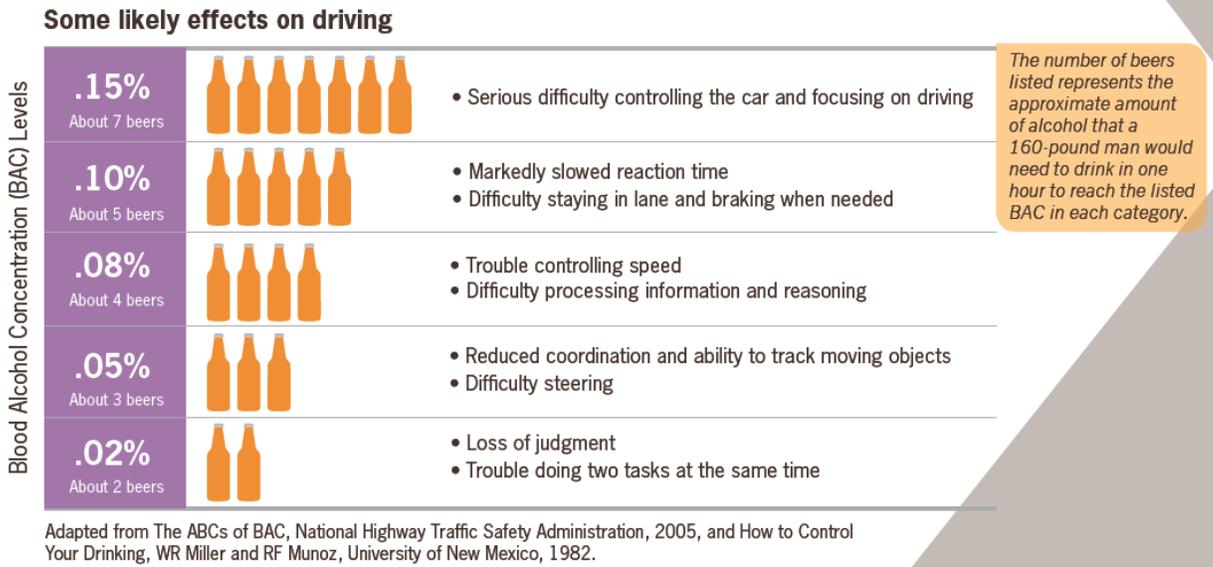
DUI Arrests by Blood/Breath Alcohol Concentration (BAC)

The average BAC remained at .14 during FY 2011, with the highest BAC recorded at .45, over five times the legal limit.

DUI Arrests by BAC	FY 2009		FY 2010		FY 2011	
	Number	Percent	Number	Percent	Number	Percent
BAC Results Not Reported	3,712	23.7%	4,153	27.2%	3,994	28.9%
.01 - .07	1,064	6.8%	898	5.9%	813	5.9%
.08 - .10	1,600	10.2%	1,635	10.7%	1,402	10.1%
.11 - .15	3,100	19.8%	2,923	19.1%	2,528	18.3%
.16 - .20	2,240	14.3%	1,967	12.9%	1,833	13.3%
.21 - .25	931	5.9%	806	5.3%	807	5.8%
.26 - .45	363	2.3%	317	2.1%	314	2.3%
Refused BAC Test	1,875	12.0%	1,698	11.1%	1,345	9.7%
No Test/Unknown	519	3.3%	597	3.9%	495	3.6%
Drug Only	279	1.8%	291	1.9%	285	2.1%
TOTAL	15,683	100.0%	15,285	100.0%	13,816	100.0%

Source: Utah Department of Public Safety, Driver License Division

According to a recent report published the Centers for Disease Control and Prevention (CDC), to reach a BAC of .14, a 160-pound man would need to consume between five and seven beers within one hour (see table below).¹



DUI Arrests by Month

As in previous years, DUI arrests remained fairly consistent throughout FY 2011, with an average arrest rate of 1,151 per month. The highest number of arrests occurred in July (1,359), with the lowest number of arrests in November (965).

DUI Arrests by Month	FY 2009		FY 2010		FY 2011	
	Number	Percent	Number	Percent	Number	Percent
July	1,230	7.8%	1,239	8.1%	1,359	9.8%
August	1,539	9.8%	1,318	8.6%	1,264	9.2%
September	1,469	9.4%	1,380	9.0%	1,152	8.3%
October	1,263	8.1%	1,264	8.3%	1,303	9.4%
November	1,395	8.9%	1,272	8.3%	965	7.0%
December	1,207	7.7%	1,178	7.7%	1,094	7.9%
January	1,361	8.7%	1,251	8.2%	1,202	8.7%
February	1,220	7.8%	1,214	7.9%	1,061	7.7%
March	1,286	8.2%	1,396	9.1%	1,178	8.5%
April	1,201	7.7%	1,171	7.7%	1,095	7.9%
May	1,397	8.9%	1,391	9.1%	1,128	8.2%
June	1,115	7.1%	1,211	7.9%	1,015	7.4%
TOTAL	15,683	100.0%	15,285	100.0%	13,816	100.0%

Source: Utah Department of Public Safety, Driver License Division

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

DUI Arrests by County

Consistent with past years, the majority of DUI arrests during FY 2011 occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for nearly 72 percent (9,904) of the total. Salt Lake County had the highest number of arrests with 5,871 (42%), while Rich County had the fewest arrests with four (< 0.1%). The table below also compares the percentage of DUI arrests to the percentage of both total population and vehicle miles traveled in each county.

County	DUI Arrests FY 2011		2010 Census Population		Vehicle Miles Traveled Calendar Year 2010	
	Number	Percent	Number	Percent	Number	Percent
Beaver	65	0.47%	6,629	0.24%	253,940,901	0.95%
Box Elder	165	1.19%	49,975	1.81%	923,263,939	3.47%
Cache	466	3.37%	112,656	4.08%	865,905,682	3.25%
Carbon	180	1.30%	21,403	0.77%	300,889,642	1.13%
Daggett	17	0.12%	1,059	0.04%	31,456,196	0.12%
Davis	1,374	9.94%	306,479	11.09%	2,688,514,623	10.10%
Duchesne	140	1.01%	18,607	0.67%	232,377,158	0.87%
Emery	110	0.80%	10,976	0.40%	323,007,637	1.21%
Garfield	23	0.17%	5,172	0.19%	113,360,324	0.43%
Grand	90	0.65%	9,225	0.33%	315,282,229	1.18%
Iron	255	1.85%	46,163	1.67%	716,873,399	2.69%
Juab	114	0.83%	10,246	0.37%	390,348,951	1.47%
Kane	92	0.67%	7,125	0.26%	144,600,580	0.54%
Millard	84	0.61%	12,503	0.45%	469,010,846	1.76%
Morgan	43	0.31%	9,469	0.34%	133,795,040	0.50%
Piute	5	0.04%	1,556	0.06%	29,907,114	0.11%
Rich	4	0.03%	2,264	0.08%	47,672,968	0.18%
Salt Lake	5,871	42.49%	1,029,655	37.25%	8,649,123,758	32.49%
San Juan	86	0.62%	14,746	0.53%	326,338,599	1.23%
Sanpete	63	0.46%	27,822	1.01%	218,355,221	0.82%
Sevier	179	1.30%	20,802	0.75%	329,028,823	1.24%
Summit	297	2.15%	36,324	1.31%	719,531,820	2.70%
Tooele	420	3.04%	58,218	2.11%	841,233,868	3.16%
Uintah	363	2.63%	32,588	1.18%	374,321,667	1.41%
Utah	1,597	11.56%	516,564	18.69%	3,790,832,805	14.24%
Wasatch	114	0.83%	23,530	0.85%	323,793,896	1.22%
Washington	525	3.80%	138,115	5.00%	1,374,118,511	5.16%
Wayne	12	0.09%	2,778	0.10%	42,091,207	0.16%
Weber	1,062	7.69%	231,236	8.37%	1,648,192,305	6.19%
TOTAL	13,816	100.0%	2,763,885	100.0%	26,617,169,711	100.0%
Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division Source for Population Data: U.S. Census Bureau Source for Vehicle Miles Traveled: Utah Department of Transportation						

Repeat DUI Offenders by Type of Arrest

The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by selecting offenders arrested in FY 2011 as a starting point, then counting back ten years to determine previous arrests. Each offender was placed in a column determined by the type of the most recent arrest. Sixty-eight percent of arrests were for a first offense, 21 percent were for a second offense, nearly seven percent were for a third offense, and almost four percent were for a fourth or subsequent offense. The total number of arrests reflected in this table is fewer than the total arrests for FY 2011 because each offender was counted only once, while the offender may have been arrested more than one time during the fiscal year.

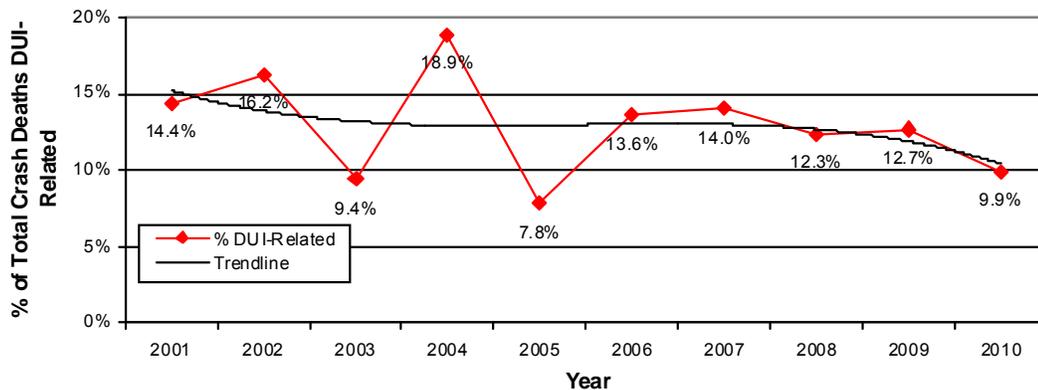
FY 2011 Arrest Type Offense	Per se Alcohol (.08)/ Drug	Refusal of Chemical Test	Not a Drop (< 21)	Drug Metabolite	Commercial Driver (.04)	TOTAL	
						Number	Percent
1 st	7,591	732	318	153	6	8,800	68.03%
2 nd	2,129	301	319	17	8	2,774	21.44%
3 rd	695	142	27	5	1	870	6.72%
4 th	267	53	7	1	0	328	2.54%
5 th	93	19	2	0	0	114	0.88%
6 th	24	6	1	0	0	31	0.24%
7 th	10	2	0	0	0	12	0.09%
8 th	4	1	0	0	0	5	0.04%
9 th	1	0	0	0	0	1	0.01%
10 th - 14 th	1	0	0	0	0	1	0.01%
TOTAL	10,815	1,256	674	176	15	12,936	100.00%

Source: Utah Department of Public Safety, Driver License Division

DUI-Related Crashes, Injuries and Fatalities

The figure below illustrates the trend in Utah's DUI-related crash fatalities from 2001 to 2010.

Percentage of Total Crash Fatalities That Were DUI-Related in Utah, 2001-2010



Source: Utah Department of Public Safety, Highway Safety Office

The following table shows the total number of DUI-related vehicle crashes for each calendar year from 2001 to 2010, including the number of persons injured and the number of persons killed as a result of the crashes. The number of DUI-related fatalities in Utah decreased from 31 in CY 2009 to 25 in CY 2010.

Calendar Year	DUI-Related Crashes, Injuries and Fatalities in Utah, 2001-2010						
	Total DUI-Related Crashes*	Injuries			Fatalities		
		Total Injured Persons	DUI-Related Injured Persons	Percent DUI-Related	Total Crash Fatalities	DUI-Related Fatalities**	Percent DUI-Related
2001	2,122	29,375	1,764	6.0%	291	42	14.4%
2002	2,088	30,433	1,685	5.5%	328	53	16.2%
2003	1,952	28,352	1,360	4.8%	309	29	9.4%
2004	1,948	29,638	1,570	5.3%	296	56	18.9%
2005	1,977	29,221	1,398	4.8%	282	22	7.8%
2006	2,488	27,433	1,844	6.7%	287	39	13.6%
2007	2,718	27,420	1,900	6.9%	299	42	14.0%
2008	2,330	24,673	1,596	6.5%	276	34	12.3%
2009	2,019	22,847	1,288	5.6%	244	31	12.7%
2010	Not Available	Not Available			252	25	9.9%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI-related crashes include only those incidents that involved alcohol.
 **DUI-related fatalities include only drivers with a BAC of $\geq .08$.

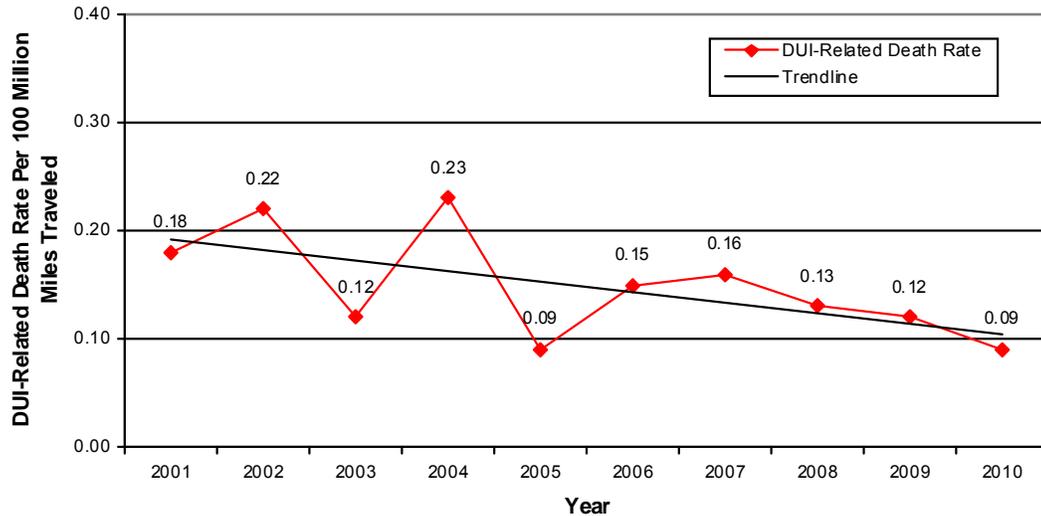
Rates of DUI-Related Fatalities by Population and Vehicle Miles Traveled
 The following table shows the rates of DUI-related fatalities per 10,000 population and per 100 million vehicle miles traveled in Utah, from 2001 to 2010.

Calendar Year	Rates of DUI-Related Fatalities per 10,000 Population and 100 Million Vehicle Miles Traveled in Utah, 2001-2010				
	DUI-Related Fatalities*	DUI-Related Fatality Rates per 10,000 Population		DUI-Related Fatality Rates per 100 Million Vehicle Miles Traveled	
		Population	Rate	Vehicle Miles Traveled	Rate
2001	42	2,305,652	0.18	23,382,719,060	0.18
2002	53	2,358,330	0.22	24,422,264,975	0.22
2003	29	2,413,618	0.12	23,946,840,430	0.12
2004	56	2,469,230	0.23	24,624,791,795	0.23
2005	22	2,547,389	0.09	25,129,538,952	0.09
2006	39	2,615,129	0.15	26,166,885,473	0.15
2007	42	2,699,554	0.16	26,824,244,333	0.16
2008	34	2,757,779	0.12	25,883,467,343	0.13
2009	31	2,800,089	0.11	26,217,108,843	0.12
2010	25	2,763,885	0.09	26,617,169,711	0.09

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

The figure below illustrates the rate of DUI-related fatalities in Utah from 2001 to 2010, per 100 million vehicle miles traveled. From CY 2009 to CY 2010, the DUI-related fatality rate per 100 million vehicle miles traveled decreased from 0.12 to 0.09.

Rate Per 100 Million Vehicle Miles Traveled of DUI-Related Fatalities in Utah, 2001-2010



Source: Utah Department of Public Safety, Highway Safety Office

Day and Hour of Alcohol-Impaired Driver Crashes

The Utah Highway Safety Office reports in calendar year 2009 the highest percentage of alcohol-impaired driver total crashes occurred on Saturday (22%). Monday (21%) and Saturday (21%) had the highest totals of fatal crashes. Alcohol-impaired driver total crashes peaked in the evening and early morning hours, between 6:00 p.m. and 2:59 a.m. Fatal alcohol-impaired driver crashes varied by hour and peaked at midnight and 8:00 p.m.



According to the Utah Highway Safety Office, an alcohol-impaired driver crash occurs in Utah every four hours.

Use of State Beer Tax Funds for DUI Law Enforcement

The state’s beer tax funds are used to support DUI enforcement, as well as other alcohol-related enforcement, education/prevention and treatment activities. For FY 2011, the Legislature appropriated \$5,597,200 to be distributed from the *Alcoholic Beverage Enforcement and Treatment Restricted Account* (§32B-2-401) to municipalities and counties statewide on a formula basis.² Funds may be spent in one or more of six general categories: (1) DUI law enforcement, (2) general alcohol-related law enforcement, (3) prosecution/court costs for alcohol-related cases, (4) treatment of alcohol problems, (5) alcohol-related education/prevention, and (6) confinement of alcohol law offenders. Municipalities and counties receiving \$1,000 or more are required to submit an Annual Report to the Utah Substance Abuse Advisory Council by October 1st of each year, outlining how funds were utilized, whether the programs or projects funded were effective, and certifying the funds were used in accordance with the law. In accordance with the statute, those that do not submit their reports forfeit their funds for the current fiscal year and the funds are allocated to other entities.

The following table shows how FY 2011 funds were utilized, as reported in the Alcohol Funds Annual Reports received to date.

FY 2011 Alcohol Funds Reports How Funds Were Used As of October 12, 2011	Number of Municipalities and Counties (N = 138)	Percent³
DUI Law Enforcement	80	58.0%
General Alcohol-Related Law Enforcement	89	64.5%
Prosecution/Court Costs for Alcohol-Related Cases	35	25.4%
Treatment of Alcohol Problems	10	7.2%
Alcohol-Related Education/Prevention	67	48.5%
Confinement of Alcohol Law Offenders	15	10.9%

Source: Utah Substance Abuse Advisory Council, FY 2011 Alcohol Funds Annual Reports

² In accordance with §32B-2-404 (UCA), the State Tax Commission distributes funds to municipalities and counties in December of each year based upon the following formula: percentage of state population (25%); percentage of statewide convictions for all alcohol-related offenses (30%); percentage of all state stores, package agencies, liquor licensees, and beer licensees (20%); and for confinement and treatment purposes (for alcohol-related offenses) based upon the percentage of the state population (25% to counties only).

³ Recipients may use alcohol funds for more than one of the six categories outlined in the statute.

Adjudications
& Sanctions

3

Adjudications and Sanctions

DUI offenses are classified either as misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense. Most misdemeanor DUI cases are handled in Utah’s Justice Courts, which are sponsored by municipalities and counties. Felony cases, as well as cases not referred to the Justice Courts, are handled in the state’s District Courts.

Justice Court DUI Data

Justice Court DUI Charges and Outcomes

The following table details the 10,077 DUI cases in the Justice Courts during FY 2011. There were 1,328 fewer cases than in the previous year, a decrease of nearly 12 percent. Fifty-three percent of cases resulted in a guilty plea or verdict, with 18 percent not guilty or dismissed. This table does not represent the actual DUI conviction rate, however, as it includes cases filed in FY 2010 that were not resolved until FY 2011. In addition, 2,884 cases were still pending resolution at the close of FY 2011.

Justice Court DUI Case Outcomes	FY 2009		FY 2010		FY 2011		% Change FY 10 – FY 11
	Number	Percent	Number	Percent	Number	Percent	
Guilty	7,121	59.3%	6,371	55.9%	5,367	53.3%	-15.8%
Dismissed or Not Guilty	2,384	19.9%	2,322	20.3%	1,826	18.1%	-21.4%
Cases Pending	2,497	20.8%	2,712	23.8%	2,884	28.6%	+6.3%
Total DUI Cases	12,002	100.0%	11,405	100.0%	10,077	100.0%	-11.6%

Source: Utah Administrative Office of the Courts

Justice Court DUI Case Information and Sanctions

The Justice Courts also track other DUI-related case information. The table on the following page includes data for those Justice Courts reporting to the Department of Public Safety’s Bureau of Criminal Identification. The numbers reflect only those dispositions loaded into the Criminal History Repository, and do not include those in the suspense file. The data indicate judges ordered offenders to participate in an educational series in 2,487 cases, substance abuse treatment in 1,965 cases, and that ignition interlock devices were ordered in 1,036 cases.

Justice Court DUI Case Information and Sanctions	FY 2009	FY 2010	FY 2011
Number of Justice Courts Providing Data	113	119	116
Blood/Breath Alcohol Content (BAC) Known	2,708	3,382	4,019
Substance Abuse Screening and Assessment Ordered	1,953	2,414	2,824
Substance Abuse Treatment Ordered	1,291	1,585	1,965
Educational Series Ordered	1,782	2,155	2,487
Ignition Interlock Ordered	853	915	1,036
Supervised (Non-Court) Probation	2,312	3,082	3,788
Electronic Monitoring	131	121	147
Enhancement Notification	2,184	2,400	2,690
Source: Utah Department of Public Safety, Bureau of Criminal Identification			

District Court DUI Data

As shown in the table below, Utah’s District Courts disposed 2,115 DUI cases during FY 2011, 19 more than in FY 2010.

DUI in Utah’s District Courts	FY 2009	FY 2010	FY 2011	% Change FY 10 – FY 11
District Court Cases Disposed	2,266	2,096	2,115	+0.9%
Source: Utah Administrative Office of the Courts				

District Court DUI Case Outcomes

The table below shows case outcomes by Judicial District for the 2,115 DUI cases disposed by Utah’s eight District Courts during FY 2011. Seventy-five percent of the cases resulted in a guilty plea or verdict, and the defendant was found not guilty in only four cases. Sixteen percent of the cases were dismissed. It should be noted that this table is not a depiction of the District Courts’ actual DUI conviction rates, as it includes only those cases that were disposed during FY 2011. Pending cases were not included in the data analysis.

FY 2011 District Court DUI Case Outcomes by Judicial District										
DUI Case Outcomes	Judicial District								Total	Percent
	1st	2nd	3rd	4th	5th	6th	7th	8th		
Deceased	0	1	2	4	0	0	2	0	9	0.4%
Declined Prosecution	0	0	0	0	0	0	0	0	0	0.0%
Dismissed	38	86	112	55	17	19	14	8	349	16.5%
Diversion	0	0	0	0	0	0	0	0	0	0.0%
Guilty	132	288	528	337	112	55	54	86	1,592	75.3%
No Contest	0	4	3	19	3	3	2	1	35	1.7%
Not Guilty	0	0	3	0	0	0	0	1	4	0.2%
Plea in Abeyance	2	1	4	6	1	4	3	1	22	1.0%
Remanded	0	4	41	6	7	0	0	0	58	2.7%
Transferred	0	2	9	34	0	0	0	1	46	2.2%
TOTAL	172	386	702	461	140	81	75	98	2,115	100.0%
Source: Utah Administrative Office of the Courts										

District Court Repeat DUI Offender Data

The District Courts also track how repeat DUI offenders are handled. In the table below, which includes data for Fiscal Year 2009 through Fiscal Year 2011, the first column shows if the offender was charged as a first-time offender or a repeat offender. The second column indicates how many of those in the first column actually met that criterion. The last column shows how the offender was sentenced. In FY 2011 for example, 28 percent of DUI offenders were charged with a third offense, while 24 percent were actually third-time offenders, and 22 percent were sentenced as third-time offenders. Discrepancies between charges and sentencing are not unusual. An offender’s sentence is dependent upon the conviction, which may or may not be the same as the offense charged due to plea bargains or court procedural issues.

District Court Repeat DUI Offender Data for Fiscal Years 2009-2011⁴									
Offense	Offense Was Charged As			Offense Was Actually			Offense Was Sentenced As		
	FY 09	FY 10	FY 11	FY 09	FY 10	FY 11	FY 09	FY 10	FY 11
1 st Offense	53%	53%	51%	53%	50%	47%	54%	56%	53%
2 nd Offense	18%	17%	15%	23%	21%	19%	20%	19%	18%
3 rd Offense	26%	27%	28%	17%	22%	24%	22%	23%	22%
4 th Offense	2%	1%	4%	3%	4%	6%	2%	1%	3%
5 th -10 th Offense	1%	1%	2%	4%	3%	4%	2%	1%	3%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Utah Administrative Office of the Courts

District Court DUI Case Information and Sanctions

The District Courts also track other DUI-related case information, including sanctions ordered. The table below includes the FY 2011 data for those cases where the values were known. The table shows judges ordered offenders to participate in an educational series in 337 cases, ordered substance abuse treatment in 674 cases, and that ignition interlock devices were ordered in 295 cases.

District Court DUI Case Information and Sanctions	FY 2009	FY 2010	FY 2011
Blood/Breath Alcohol Content (BAC) Known	590	560	451
Substance Abuse Screening and Assessment Ordered	693	686	691
Substance Abuse Treatment Ordered	698	648	674
Educational Series Ordered	459	419	337
Ignition Interlock Ordered	312	293	295
Supervised (Non-Court) Probation	851	786	792
Electronic Monitoring	128	122	119
Enhancement Notification	100%	100%	100%

Source: Utah Administrative Office of the Courts

⁴ The cases in the table represent only those for which the number of the offense was known; in FY 2009, FY 2010 and FY 2011, the number was unknown in a large number of cases. In addition, the following cases were not included: bail forfeiture, deceased, declined, dismissed, not guilty, remanded, and transferred.



Driver License Control

The Department of Public Safety’s Driver License Division is required to suspend or revoke the license of a person who has been convicted or sanctioned for the following:

- Driving under the influence
- Driving with any measurable controlled substance metabolite in the body
- Not a Drop violation
- Refusal to submit to a chemical test
- Automobile homicide
- “No-alcohol” conditional license
- Alcohol restricted driver (ARD) violation
- Interlock restricted driver (IRD) conviction

Alcohol Hearing Statistics

When a driver is arrested for DUI, the license is taken and a 30-day temporary license is issued. Drivers may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within the 30-day period of the temporary license.

As shown in the table below, there were 5,686 requested alcohol hearings held in FY 2011. The Division is unable to take any action against a driver if the arresting officer does not appear at the hearing. To improve appearance rates, the Division offers a telephonic option whereby officers or offenders can phone in for the hearing. In 2,859 cases, at least one of the parties called in for the hearing.

FY 2011 Alcohol Hearing Statistics						
ACD Code	Total # of Hearings	No Officer	No Officer Telephonic	Other No Action	Total No Action	Total Telephonic
Per Se	5,039	772	138	762	1,672	2,515
Not a Drop	139	28	3	26	57	106
Refusal	508	86	10	34	130	238
TOTAL	5,686	886	151	822	1,859	2,859

Source: Utah Department of Public Safety, Driver License Division



Screening, Assessment, Education and Treatment

Screening and Assessment

As part of any sentence for a DUI 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 drug abuse, 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 abuse, 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 abuse treatment.⁵ The following table shows the orders for substance abuse screening and assessment by the Justice and District Courts in FY 2011, for those cases where the values were known.

Substance Abuse Screening and Assessment Ordered by the Courts	FY 2009	FY 2010	FY 2011
Justice Courts	1,953	2,414	2,824
District Courts	693	686	691

Sources: District Courts – Utah Administrative Office of the Courts; Justice Courts – Utah Department of Public Safety, Bureau of Criminal Identification

Education

For a first DUI 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

⁵ 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.

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.”⁶ Utah DUI offenders sentenced to an educational series attend the PRIME For Life program developed by the Prevention Research Institute (PRI). “PRIME For Life provides education and strategies for individuals who have problems with alcohol or drug use. PRIME For Life is an interactive experience designed to guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support those low-risk choices.”⁷ The following table shows the orders for the educational series by the Justice and District Courts in FY 2011, for those cases where values were known.

Educational Series Ordered By the Courts	FY 2009	FY 2010	FY 2011
Justice Courts	1,782	2,155	2,487
District Courts	459	419	337

Sources: District Courts – Utah Administrative Office of the Courts; Justice Courts – Utah Department of Public Safety, Bureau of Criminal Identification

PRI conducts periodic studies of PRIME For Life participants to measure the impact on changing beliefs about alcohol and other drug use, understanding the risks associated with alcohol/drug use, and desire to change personal drinking and drug use behaviors. In previous years this study was published annually, however, because the findings have been virtually identical from year to year, PRI now publishes the study less frequently. The most recent study provides data on Utah offenders who participated in the PRIME For Life program during 2008 and 2009. The findings of this study are included in the 2010 DUI Report to the Legislature, which can be found on the CCJJ website at <http://justice.utah.gov>.

Treatment

For a first and second DUI offense, the court *may* order treatment; for a third or subsequent offense within 10 years, the court *must* order substance abuse 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. DUI 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.”⁸ Treatment should address both alcohol and other drug problems. 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 abuse

⁶ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

⁷ Beadnell, B., Nason, M., Carter-Lunceford, C., & Huynh, H. (2010, April). *PRIME For Life 2010 Evaluation Report Executive Summary: Utah*. Lexington, KY: Prevention Research Institute.

⁸ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

disorder. The table below shows the orders for substance abuse treatment by the Justice and District Courts in FY 2011, for those cases where the values were known.

Substance Abuse Treatment Ordered by the Courts	FY 2009	FY 2010	FY 2011
Justice Court	1,291	1,585	1,965
District Court	698	648	674
Sources: District Courts – Utah Administrative Office of the Courts; Justice Courts – Utah Department of Public Safety, Bureau of Criminal Identification			

Impaired
Driving Media
Campaign
6

Utah's Impaired Driving Media Campaign



The Utah Department of Public Safety Highway Safety Office's statewide media and outreach campaign continues to work to change the awareness and behavior of the 21-34 year old demographic that is likely to drive after drinking alcohol. The campaign is funded by the National Highway Traffic Safety Administration (NHTSA) and builds upon the national campaign. The multi-media campaign focuses on encouraging the use of designated drivers and making good choices such as calling a cab before going out to drink, putting the number in your cell phone, calling a sober friend, or staying where the activity is until the next day. And, if you get caught in Utah, you will face serious consequences.



Canyon critters reminded mountain revelers that keeping Utah canyons safe means not drinking and driving.

Billboards



A MVPPP (Most Valuable Post-Party Person), a.k.a., designated driver, was needed at every Super Bowl party.



UTAH DUI SENTENCING MATRIX

(Effective July 1, 2011)

Court-Ordered Sentencing	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	
CLASSIFICATION (§41-6a-503)	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury¹ if passenger is under 16 if passenger is under 18 and driver is 21 or older 	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> if bodily injury¹ if passenger under 16 if passenger is under 18 and driver is 21 or older 	THIRD DEGREE FELONY <ul style="list-style-type: none"> if third or subsequent offense within 10 years if serious bodily injury¹ if any prior felony DUI conviction or automobile homicide¹ conviction
Jail: (§41-6a-505)	SHALL order: 48 consecutive hours OR 48 hours compensatory service OR Electronic home confinement ²	SHALL order: 240 consecutive hours OR 240 hours compensatory service OR Electronic home confinement ²	SHALL order: 0-5 year prison term OR 1,500 hours jail (62.5 days) MAY order: Electronic home confinement ²
Fine: (§41-6a-505)	SHALL order: \$700 minimum plus surcharge	SHALL order: \$800 minimum plus surcharge	SHALL order: \$1,500 minimum plus surcharge, unless 0-5 prison term is imposed
Screening, Assessment, Educational Series, Treatment (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered MAY order: <ul style="list-style-type: none"> Treatment 	SHALL order: <ul style="list-style-type: none"> Screening Assessment (if found appropriate by screening) Educational series, unless treatment is ordered MAY order: <ul style="list-style-type: none"> Treatment 	SHALL order: <ul style="list-style-type: none"> Screening Assessment Intensive treatment or inpatient treatment and aftercare for not less than 240 hours, unless 0-5 prison term is imposed
Probation: ³ (§41-6a-507)	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition Interlock ⁴ (§41-6a-518) (§41-6a-530)	MAY order: <ul style="list-style-type: none"> Ignition interlock SHALL order: <ul style="list-style-type: none"> Interlock if under 21 Interlock for an ARD⁵ violation OR describe on the record why such order not appropriate 	MAY order: <ul style="list-style-type: none"> Ignition interlock SHALL order: <ul style="list-style-type: none"> Interlock if under 21 Interlock for an ARD⁵ violation OR describe on the record why such order not appropriate 	MAY order: <ul style="list-style-type: none"> Ignition interlock SHALL order: <ul style="list-style-type: none"> Interlock if under 21 Interlock for an ARD⁵ violation OR describe on the record why such order not appropriate
High BAC: (.16 or higher) (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> Supervised probation³ Treatment and interlock⁴ and/or electronic home confinement² OR describe on the record why such order(s) not appropriate 	SHALL order: <ul style="list-style-type: none"> Supervised probation³ Treatment and interlock⁴ and/or electronic home confinement² OR describe on the record why such order(s) not appropriate 	SHALL order: <ul style="list-style-type: none"> Supervised probation³ if 0-5 prison term is not imposed Treatment and interlock⁴ and/or electronic home confinement² OR describe on the record why such order(s) not appropriate
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years

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

²See §41-6a-506 for electronic home confinement provisions.

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

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

⁵Alcohol restricted driver

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

Statutory Provisions	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSES WITHIN 10 YEARS
Driver License Denial, Suspension, or Revocation		
Driving Under the Influence/ DUI Conviction (§41-6a-509)	If 21 or older: 120 days If 19-20: Longer of one year or until 21 st birthday* If under 19: Until 21 st birthday** Early License Reinstatement for Drivers Under 21: Court may order shortening of the suspension period after 6 months* or 2 years** if the person completes a screening; completes an assessment if appropriate; completes an education series or substance abuse treatment, as deemed appropriate by the court; has not been convicted of a violation of a motor vehicle law during the suspension period; has complied with all terms of probation or all court orders if not ordered to probation; and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period.	If 21 or older: 2 years If 19-20: Longer of 2 years or until 21 st birthday If under 19: Until 21 st birthday
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	If 21 or older: 120 days If 19-20: Longer of one year or until 21 st birthday* If under 19: Until 21 st birthday** Early License Reinstatement for Drivers Under 21: Same as above, but sworn statement must include the person has not consumed a controlled substance not prescribed by a practitioner during the suspension period.	If 21 or older: 2 years If 19-20: Longer of two years or until 21 st birthday If under 19: Until 21 st birthday
Refusal of Chemical Test (§41-6a-521)	If 21 or older: 18 months If under 21: Longer of 2 years or until 21 st birthday	If 21 or older: 36 months If under 21: Longer of 36 months or until 21 st birthday
Per se Arrest (§53-3-223) <small>≥ .08 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system</small>	If 21 or older: 120 days If 19-20: 6 months If under 19: 2 years	If 21 or older: 2 years If 19-20: Longer of 2 years or until 21 st birthday If under 19: Longer of 2 years or until 21 st birthday
Not A Drop (§53-3-231) <small>A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body</small>	If 19-20: Until successful completion of substance abuse program recommendation, but not less than 6 months If under 19: Until successful completion of substance abuse program recommendation, but not less than one year	If 19-20: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21 st birthday If under 19: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21 st birthday

Other Sanctions

IRD – Interlock Restricted Driver (§41-6a-518.2) <small>An "interlock restricted driver" may not operate a motor vehicle without an ignition interlock system.</small>	<ul style="list-style-type: none"> • 18 months IRD for 1st DUI (§41-6a-502) if over 21 • 3 years IRD for 1st Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-521), or 1st DUI (§41-6a-502) if under 21 • 3 years IRD for a combination of two of the following within 10 years: DUI (§41-6a-502), Refusal to Submit to Chemical Test (§41-6a-521), Controlled Substance/Metabolite (§41-6a-517), Alcohol-Related Reckless (§41-6a-512 – <i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), Driving with Controlled Substance/Bodily Injury or Death (§58-37-8(2)(g)), or Automobile Homicide (§76-5-207) • 6 years IRD for Felony DUI (§41-6a-502) • 10 years IRD for Automobile Homicide (§76-5-207) <small>Note: Abeyances count as convictions, as defined in §41-6a-501; if all offenses are for Controlled Substance/Metabolite convictions, IRD does not apply</small>
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ARD – Alcohol Restricted Driver (§41-6a-529) <small>An "alcohol restricted driver" may not operate or be in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the person's body.</small>	<ul style="list-style-type: none"> • 2 years ARD for 1st DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5) • 2 years ARD for any Per se offense (§53-3-223) • 3 years ARD for any driving without an IID if an IRD (§41-6a-518.2) or driving with alcohol in body if an ARD (§41-6a-530) offense • 5 years ARD for 1st Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502) • 10 years ARD for 2nd offense, if 2nd offense is DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), or Refusal to Submit to Chemical Test (§41-6a-521); and 1st offense is DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5) • Lifetime ARD for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207) <small>Note: Abeyances count as convictions as stated in §53-3-229, excluding ARD and IRD abeyances; if Per se is drug only or metabolite, ARD does not apply</small>
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