

UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

# Thirteenth Annual DUI Report to the Utah Legislature



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## Acknowledgements

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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.*

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## Executive Summary

### DUI in Utah: CY 2014 / FY 2015

#### DUI-Related Fatalities in Calendar Year 2014

- From CY 2013 to CY 2014, DUI/alcohol-related fatalities in Utah nearly doubled, from 23 to 45, the highest number within the past decade.
- From CY 2013 to CY 2014, DUI/drug-related fatalities decreased almost 16 percent, from 45 to 38.

#### Law Enforcement: Arrests

- There were 10,802 DUI arrests in FY 2015, 99 fewer than in FY 2014.
- Eighty-one percent of the arrests were for per se violations that included driving under the influence of alcohol, drugs, or both.
- Arrests included 1,344 made during specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI sobriety checkpoints that involved 105 law enforcement agencies throughout the state.
- During the specialized DUI overtime enforcement events, officers observed and documented 1,146 designated drivers.
- Nearly 56 percent of all DUI arrests were made by municipal law enforcement agencies.
- Seventy-three percent of DUI arrestees were male.

- Almost 11 percent of arrestees were under the legal drinking age of 21 and the youngest arrestees were 14 years old.
- The average blood alcohol content (BAC) for arrestees was nearly .15 and the highest was .41, *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 nearly 71 percent of the total.
- While Utah's population has continued to grow, the DUI arrest rate has declined steadily, with a nearly 37 percent decrease since FY 2009.
- Seventy percent of arrests were for a first DUI offense, 19 percent were for a second offense, seven percent were for a third offense, and about four percent were for a fourth or subsequent offense.

### Courts: Adjudications and Sanctions

- In FY 2015, there were 8,313 DUI cases in Utah's Justice Courts. Among the cases resolved, almost 55 percent resulted in a guilty plea or verdict.
- In FY 2015, there were 2,368 DUI cases disposed by the state's District Courts. Among the cases resolved, nearly 74 percent resulted in a guilty plea or verdict.

### Driver License Control

- The Driver License Division conducted 4,642 hearings in FY 2015 to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.

### Assessment, Education and Treatment

- Justice Court judges ordered offenders to undergo a substance use disorder screening and assessment in 3,090 cases, ordered an educational series in 2,438 cases, and ordered substance use disorder treatment in 1,828 cases.
- District Court judges ordered offenders to undergo a substance use disorder screening and assessment in 754 cases, ordered an educational series in 289 cases, and ordered substance use disorder treatment in 799 cases.



*“All she cared about in life was her kids and her family. All she did was care about them, and she’s gone.”*

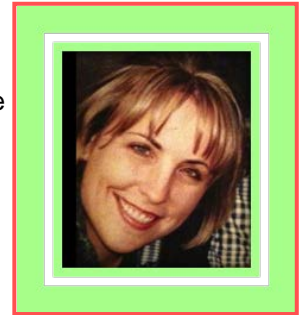
Jon Richard Madsen  
Susan Madsen's Husband

Introduction

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## Introduction

Susan Kay Madsen’s life revolved around her family and supporting the education and activities of her five children, ages 10-16. In fact, it was as she was driving her 13-year-old daughter home from soccer practice at about 6:30 p.m. on Thursday evening, May 10, 2014, that her family would be changed forever. At the intersection of 12300 South and Lone Peak Parkway in Draper, a white Chevy pickup traveling 60 miles per hour in a 30 mph zone ran a red light and hit the Madsen’s car, ultimately causing a seven-car crash. Susan Madsen, 43, died at the scene, and her daughter was critically injured. In addition, seven others involved in the crash were injured.



Prior to the crash, the driver of the pickup, 44-year-old Bill Robert Thompson, was involved in a domestic violence and assault incident involving the woman he lived with and a neighbor who tried to intervene. Following this incident, Thompson, who had reportedly been drinking heavily for days and was intoxicated, got in his truck and left in a “drunken rage.” He was seen by witnesses who reported the truck was swerving all over the roadway on I-15. The truck then exited I-15 at Bangerter Highway and turned onto Pony Express Road. At the end of a dead end road, another driver stopped to allow Thompson to turn around, and he deliberately drove his truck into the driver’s side door of the Mini-Cooper driven by a 16-year-old girl and laughed about it. He left this scene at a high rate of speed and caused the seven-car crash just two minutes later. Thompson’s blood alcohol level was 0.22, almost three times the legal limit.

On Monday, May 19, 2014, Thompson was charged in Third District Court with murder, a first-degree felony; DUI and two counts of aggravated assault, third degree felonies; seven counts of class A misdemeanor DUI; two counts of assault and two counts of domestic violence in the presence of a child, both class B misdemeanors. According to Sim Gill, Salt Lake County District Attorney, Thompson’s behavior went far beyond just DUI or vehicular homicide, and warranted the charge of murder. According to Gill, “What we are arguing is that he was consciously making a decision to accelerate into an intersection which was red, and he knew there was traffic there. Our position is he acted with such depraved indifference, he intentionally set out to engage in that conduct.”

In December 2014, Thompson was ordered to stand trial on the murder charge and the other counts. In June 2015, Thompson was found guilty of one count of murder and two counts of aggravated assault. In August 2015, Thompson was sentenced to 15 years to life for the murder of Susan Madsen. He received a 0-5 year sentence for DUI, to be served consecutively, for the injuries caused to Susan Madsen’s daughter. He also received sentences for the remaining charges, including aggravated assault, DUI and domestic violence, which will be served concurrently with credit for time already spent in jail.

Information for this story was obtained from the Salt Lake County District Attorney’s Office, articles in the **Deseret News** and the **Salt Lake Tribune**, and reports on the good4utah.com and ksl.com websites.

## Purpose of the Report

The *Thirteenth 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.



## 2015 DUI and Related Legislation



The following bills were passed by the Utah Legislature in the 2015 General Session:

### H.B. 146 *Driving Under the Influence Revisions* *Representative Steve Eliason*

This bill provides that for driving under the influence sentencing purposes a prior conviction shall be within 10 years of: the current conviction; or the commission of the offense upon which the current conviction is based.

### H.B. 147 *Driver License Testing Amendments* *Representative Steve Eliason*

This bill provides that if an applicant has been issued an equivalent learner permit by another state or branch of the United States Armed Forces, the applicant is subject to the driver education, testing, age, and fee requirements.

Provides that an applicant for an original or provisional class D license shall pass a knowledge test approved by the division.

Provides that 50 percent of the test questions included in the knowledge test shall cover the topic of major causes of traffic related deaths as identified in statistics published by the Highway Safety Office.

### S.B. 150 *Driving Under the Influence Sentencing Revisions* *Senator Scott K. Jenkins*

This bill provides that an impaired driving plea is not available to a person who has certain prior convictions.

Requires the court to impose, for a felony driving under the influence violation, an order requiring the person to obtain a screening and assessment for alcohol and substance abuse treatment as appropriate.

Requires the court to order the installation of the ignition interlock system, at the person's expense, for all motor vehicles registered to

that person and all motor vehicles operated by that person if a person is convicted of a driving under the influence violation within 10 years of a prior conviction.

Provides that a person who operates a motor vehicle without an ignition interlock device as ordered by the court is in violation of driving without an ignition interlock system.



## 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 2015, law enforcement officers made 10,802 DUI arrests, 99 fewer than in FY 2014.

### DUI Arrests

#### DUI Arrests by Violation Type

As illustrated in the following table, the distribution of DUI arrests by type of violation in FY 2015 was very similar to previous years. Eighty-one percent of the arrests were for per se violations where the driver had a .08 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. 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. Almost 13 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 just under two 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 3.7 percent of the arrests. The fewest arrests were of commercial drivers exceeding the .04 limit, which represented only 0.3 percent of the total.

DUI Arrests by Violation Type	FY 2013		FY 2014		FY 2015		Percent Change FY 14-FY 15
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	9,872	80.7%	8,870	81.4%	8,751	81.0%	-1.3%
Refusal of Chemical Test	1,415	11.6%	1,231	11.3%	1,373	12.7%	+11.4%
Not a Drop (< 21)	547	4.5%	472	4.3%	397	3.7%	-15.9%
Drug Metabolite	191	1.6%	142	1.3%	180	1.7%	+26.8%
Commercial Driver (.04)	17	0.1%	26	0.2%	29	0.3%	+11.5%
Unknown (no box marked)	185	1.5%	160	1.5%	72	0.7%	-55.0%
<b>TOTAL</b>	<b>12,227</b>	<b>100.0%</b>	<b>10,901</b>	<b>100.0%</b>	<b>10,802</b>	<b>100.0%</b>	<b>-0.9%</b>

Source: Utah Department of Public Safety, Driver License Division

### DUI Overtime Enforcement Events

The arrests made in SFY 2015/FFY 2015\* included those that occurred as a result of specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints. State funding from DUI impound fees collected, as well as federal funding from the National Highway Traffic Safety Administration (NHTSA), was used to fund the overtime shifts coordinated through the Utah Highway Safety Office. A total of 105 law enforcement agencies throughout Utah participated, including local police agencies, sheriffs' offices, the Utah Highway Patrol, Motor Vehicle Enforcement, the Utah Department of Transportation, Utah Parks and Recreation, Utah Wildlife Resources, and university police departments. The table below shows the measures associated with these specialized DUI overtime enforcement events.

Statewide DUI Overtime Enforcement Events	State-Funded	Federally-Funded	Totals
	SFY 2015*	FFY 2015*	
DUI Shifts Worked	3,045	1,376	4,421
Vehicles Stopped	26,927	14,912	41,839
DUI Arrests	988	356	1,344**
Vehicles Impounded	843	330	1,173
Alcohol-Related Arrests***	533	225	758
Drug-Related Arrests****	670	242	912
Warrants Served	435	204	639
Other Warnings/Citations	27,615	10,875	38,490
Designated Drivers Observed/Documented	673	473	1,146

Source: Utah Department of Public Safety, Highway Safety Office  
 \*SFY 2015 = July 1, 2014 – June 30, 2015; FFY 2015 = October 1, 2014 – September 30, 2015  
 \*\*Includes 934 alcohol-related, 275 other drug-related, and 135 metabolite  
 \*\*\*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

Nearly 56 percent of all DUI arrests in FY 2015 were made by municipal law enforcement agencies, with the Utah Highway Patrol responsible for 32 percent, and county sheriffs' offices responsible for almost 12 percent.

DUI Arrests by Agency Type	FY 2013		FY 2014		FY 2015	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,439	11.8%	1,295	11.9%	1,272	11.8%
City Police/Other	6,542	53.5%	5,978	54.8%	6,033	55.8%
Highway Patrol	4,246	34.7%	3,628	33.3%	3,497	32.4%
<b>TOTAL</b>	<b>12,227</b>	<b>100.0%</b>	<b>10,901</b>	<b>100.0%</b>	<b>10,802</b>	<b>100.0%</b>

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 constant over the past three years. In FY 2015, where the gender was specified, 73 percent of arrestees were male and about 25 percent were female.

DUI Arrests by Gender	FY 2013		FY 2014		FY 2015	
	Number	Percent	Number	Percent	Number	Percent
Male	8,753	71.6%	7,887	72.3%	7,887	73.0%
Female	3,369	27.5%	2,907	26.7%	2,727	25.3%
Unspecified	105	0.9%	107	1.0%	188	1.7%
<b>TOTAL</b>	<b>12,227</b>	<b>100.0%</b>	<b>10,901</b>	<b>100.0%</b>	<b>10,802</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Age

The youngest arrestees in FY 2015 were 14 years old, and the oldest were 82-87 years of age. Nearly 11 percent of arrestees were under the legal drinking age of 21. Drivers ages 25-36 accounted for nearly 39 percent of all arrests for DUI.

DUI Arrests by Age	FY 2013		FY 2014		FY 2015	
	Number	Percent	Number	Percent	Number	Percent
Ages 14-20	1,460	11.9%	1,275	11.7%	1,182	10.9%
Ages 21-24	2,144	17.5%	1,888	17.3%	1,700	15.7%
Ages 25-36	4,838	39.6%	4,213	38.6%	4,201	38.9%
Ages 37-48	2,231	18.3%	2,120	19.4%	2,146	19.9%
Ages 49-87	1,554	12.7%	1,405	13.0%	1,573	14.6%
<b>TOTAL</b>	<b>12,227</b>	<b>100.0%</b>	<b>10,901</b>	<b>100.0%</b>	<b>10,802</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

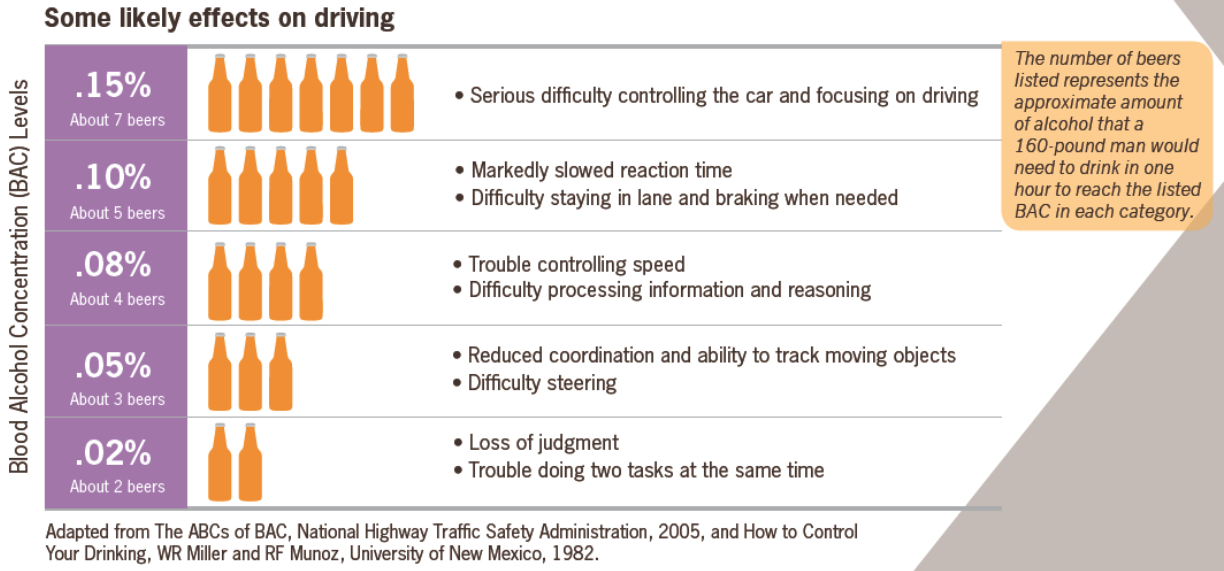
DUI Arrests by Blood/Breath Alcohol Concentration (BAC)

The average BAC in FY 2015, where the test results were reported, was nearly .15, up slightly from previous years (median BAC was .14). The highest BAC recorded was .41, *over five times the legal limit!*

DUI Arrests by BAC	FY 2013		FY 2014		FY 2015	
	Number	Percent	Number	Percent	Number	Percent
BAC Result Not Reported*	4,573	37.4%	4,127	37.9%	4,232	39.2%
.00 - .07	528	4.3%	544	5.0%	425	3.9%
.08 - .10	1,043	8.5%	1,009	9.3%	864	8.0%
.11 - .15	2,160	17.7%	1,875	17.2%	1,761	16.3%
.16 - .20	1,589	13.0%	1,248	11.4%	1,293	12.0%
.21 - .25	659	5.4%	592	5.4%	553	5.1%
.26 - .41	265	2.2%	276	2.5%	302	2.8%
Refused BAC Test	1,410	11.5%	1,230	11.3%	1,372	12.7%
<b>TOTAL</b>	<b>12,227</b>	<b>100.0%</b>	<b>10,901</b>	<b>100.0%</b>	<b>10,802</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division  
 \*Arrestee may have submitted to a blood test, but the Driver License Division never received the results, or this was a DUI/drug-related arrest and there was no BAC.

According to 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).<sup>1</sup>



**DUI Arrests by Month**

As in previous years, DUI arrests remained fairly consistent throughout FY 2015, with an average of 900 arrests per month. The highest number of arrests occurred in January (1,070), with the lowest number of arrests in April (753).

DUI Arrests by Month	FY 2013		FY 2014		FY 2015	
	Number	Percent	Number	Percent	Number	Percent
July	1,055	8.6%	973	8.9%	848	7.8%
August	1,052	8.6%	1,055	9.7%	998	9.2%
September	1,058	8.6%	932	8.5%	827	7.7%
October	956	7.8%	909	8.3%	820	7.6%
November	1,041	8.5%	983	9.0%	1,015	9.4%
December	1,138	9.3%	871	8.0%	913	8.4%
January	915	7.5%	825	7.6%	1,070	9.9%
February	1,006	8.3%	859	7.9%	901	8.3%
March	1,210	9.9%	998	9.2%	992	9.2%
April	862	7.1%	816	7.5%	753	7.0%
May	986	8.1%	860	7.9%	903	8.4%
June	948	7.7%	820	7.5%	762	7.1%
<b>TOTAL</b>	<b>12,227</b>	<b>100.0%</b>	<b>10,901</b>	<b>100.0%</b>	<b>10,802</b>	<b>100.0%</b>

Source: Utah Department of Public Safety, Driver License Division

<sup>1</sup> 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 2015 occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for 71 percent (7,712) of the total. Salt Lake County had the highest number of arrests with 4,060 (37.6%), while Piute County and Wayne County had the fewest arrests with three each (.03%). The table below also compares the percentage of DUI arrests to the percentage of both total population and vehicle miles traveled in each county.

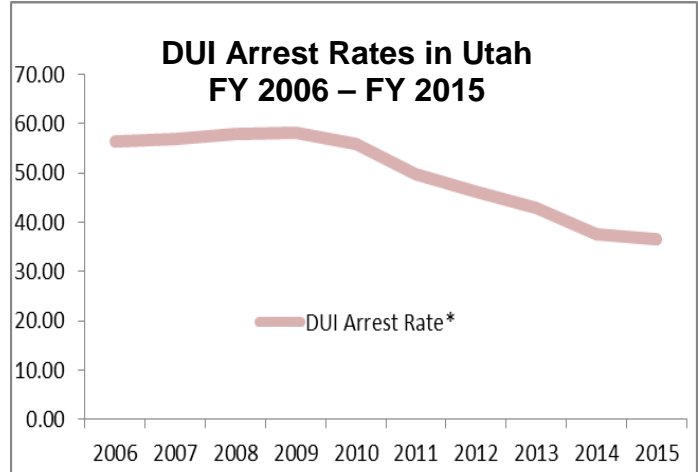
County	DUI Arrests FY 2015		July 1, 2014 Utah Population Estimates		Vehicle Miles Traveled Calendar Year 2014	
	Number	Percent	Number	Percent	Number	Percent
Beaver	65	0.60%	6,461	0.22%	271,441,615	0.98%
Box Elder	140	1.30%	51,518	1.75%	911,258,124	3.30%
Cache	261	2.42%	118,343	4.02%	899,034,530	3.26%
Carbon	60	0.56%	20,660	0.70%	325,114,810	1.18%
Daggett	7	0.06%	1,117	0.04%	32,333,132	0.12%
Davis	819	7.58%	329,692	11.20%	2,590,155,574	9.39%
Duchesne	114	1.06%	20,380	0.69%	283,292,481	1.03%
Emery	55	0.51%	10,631	0.36%	355,911,485	1.29%
Garfield	18	0.17%	5,024	0.17%	114,369,392	0.41%
Grand	99	0.92%	9,429	0.32%	351,843,888	1.28%
Iron	275	2.55%	47,269	1.61%	753,358,572	2.73%
Juab	61	0.56%	10,486	0.36%	368,529,836	1.34%
Kane	50	0.46%	7,254	0.25%	134,067,109	0.49%
Millard	70	0.65%	12,606	0.43%	502,461,730	1.82%
Morgan	35	0.32%	10,608	0.36%	133,124,873	0.48%
Piute	3	0.03%	1,484	0.05%	28,998,248	0.11%
Rich	10	0.09%	2,293	0.08%	50,335,948	0.18%
Salt Lake	4,060	37.59%	1,091,742	37.10%	9,079,005,254	32.93%
San Juan	67	0.62%	15,251	0.52%	285,774,882	1.04%
Sanpete	73	0.68%	28,477	0.97%	216,577,317	0.79%
Sevier	105	0.97%	20,773	0.71%	319,525,913	1.16%
Summit	256	2.37%	39,105	1.33%	763,364,577	2.77%
Tooele	392	3.63%	61,598	2.09%	822,143,266	2.98%
Uintah	184	1.70%	36,867	1.25%	427,770,171	1.55%
Utah	1,598	14.79%	560,974	19.06%	4,084,949,059	14.81%
Wasatch	197	1.82%	27,714	0.94%	353,223,181	1.28%
Washington	490	4.54%	151,948	5.16%	1,420,310,654	5.15%
Wayne	3	0.03%	2,723	0.09%	48,768,211	0.18%
Weber	1,235	11.43%	240,475	8.17%	1,647,183,902	5.97%
<b>TOTAL</b>	<b>10,802</b>	<b>100.00%</b>	<b>2,942,902</b>	<b>100.00%</b>	<b>27,574,227,734</b>	<b>100.00%</b>

Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division  
 Source for Population Data: U.S. Census Bureau, Population Division  
 Source for Vehicle Miles Traveled: Utah Department of Transportation

### DUI Arrest Rates by Population

The following table and figure illustrate the number of DUI arrests made in Utah by fiscal year, compared to the state’s population. While Utah’s population has continued to grow, the DUI arrest rate has declined steadily, with a 37 percent decrease since FY 2009.

Utah DUI Arrests Compared to Population FY 2006 - FY 2015			
Fiscal Year	DUI Arrests	Population as of July 1, 2014	DUI Arrest Rate*
2006	14,138	2,505,844	56.42
2007	14,658	2,576,228	56.90
2008	15,297	2,636,077	58.03
2009	15,683	2,691,122	58.28
2010	15,285	2,731,558	55.96
2011	13,816	2,774,663	49.79
2012	13,031	2,813,923	46.31
2013	12,227	2,852,589	42.86
2014	10,901	2,900,872	37.58
2015	10,802	2,942,902	36.71



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

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

\*DUI arrest rate is the number of DUI arrests per 10,000 people.

### Repeat DUI Offenders by Type of Arrest

The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by identifying arrests that occurred in FY 2015 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. Seventy percent of arrests were for a first offense, 19 percent were for a second offense, seven percent were for a third offense, and about four percent were for a fourth or subsequent offense.

FY 2015 Arrest Type	Per se Alcohol (.08)/ Drug	Refusal of Chemical Test	Not a Drop (< 21)	Drug Metabolite	Commercial Driver (.04)	Unknown (no box marked)	TOTAL	
							Number	Percent
1 <sup>st</sup>	6,191	829	365	147	27	33	7,592	70.28%
2 <sup>nd</sup>	1,692	300	19	21	0	22	2,054	19.01%
3 <sup>rd</sup>	605	159	9	9	1	10	793	7.34%
4 <sup>th</sup>	181	50	2	2	1	6	242	2.24%
5 <sup>th</sup>	54	19	1	0	0	1	75	0.69%
6 <sup>th</sup>	19	9	1	1	0	0	30	0.28%
7 <sup>th</sup>	6	4	0	0	0	0	10	0.09%
8 <sup>th</sup> +	3	3	0	0	0	0	6	0.07%
<b>TOTAL</b>	<b>8,751</b>	<b>1,373</b>	<b>397</b>	<b>180</b>	<b>29</b>	<b>72</b>	<b>10,802</b>	<b>100.00%</b>

Source: Utah Department of Public Safety, Driver License Division



## DUI-Related Crashes, Injuries and Fatalities

### DUI/Alcohol-Related Crashes, Injuries and Fatalities

The following table shows the total number of DUI-related vehicle crashes involving alcohol for each calendar year from 2005 to 2014, including the number of persons injured and the number of persons killed as a result of the crashes. The number of crash fatalities involving drivers with a blood alcohol level of .08 or greater in Utah nearly doubled, from 23 in calendar year 2013 to 45 in calendar year 2014, a 96 percent increase. Finally, while the numbers have fluctuated over the years, the number of DUI/alcohol-related fatalities in CY 2014 was the highest it has been since 2004, as was the proportion of total crash fatalities that were DUI/alcohol-related (over 17 percent).

DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah, CY 2005-2014									
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
2005	54,938	1,977	3.6%	29,221	1,398	4.8%	282	22	7.8%
2006	56,187	2,488	4.4%	27,433	1,844	6.7%	287	39	13.6%
2007	61,245	2,718	4.4%	27,420	1,900	6.9%	299	42	14.0%
2008	56,367	2,330	4.1%	24,673	1,596	6.5%	276	34	12.3%
2009	51,367	2,019	3.9%	22,847	1,288	5.6%	244	31	12.7%
2010	49,368	1,723	3.5%	21,675	1,150	5.3%	253	25	9.9%
2011	52,287	1,662	3.2%	22,325	1,019	4.6%	243	39	16.0%
2012	50,600	1,727	3.4%	22,336	1,043	4.7%	217	20	9.2%
2013	55,637	1,736	3.1%	22,740	1,073	4.7%	220	23	10.5%
2014	54,036	2,128	3.9%	23,364	1,377	5.9%	256	45	17.6%

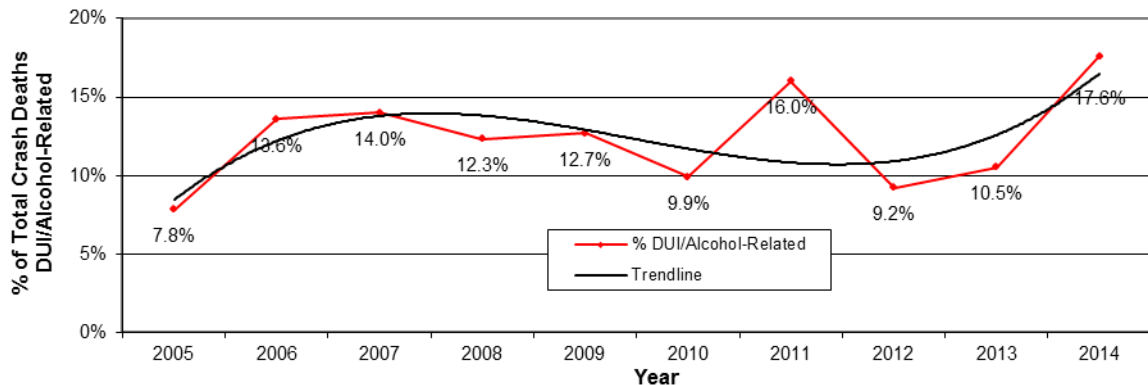
Source: Utah Department of Public Safety, Highway Safety Office

\*DUI/alcohol-related crashes include only those incidents that involved alcohol.

\*\*DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of  $\geq .08$ .

The figure below illustrates the trend in Utah's DUI/alcohol-related crash fatalities over the past decade, from calendar years 2005 through 2014.

**Percentage of Total Crash Fatalities That Were DUI/Alcohol-Related in Utah, Calendar Years 2005-2014**



Source: Utah Department of Public Safety, Highway Safety Office

DUI/Alcohol-Related Fatalities by Population and Vehicle Miles Traveled

The following table shows the rates of DUI/Alcohol-related fatalities per 10,000 population and per 100 million vehicle miles traveled in Utah, for calendar years 2005 through 2014. The fatality rates increased significantly from CY 2013 to CY 2014 for both population (87 percent increase) and vehicle miles traveled (78 percent increase).

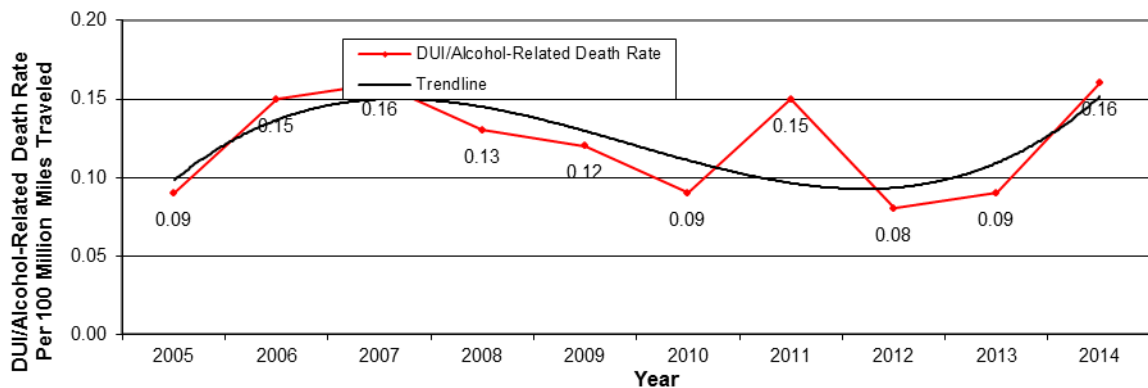
Calendar Year	Rates of DUI/Alcohol-Related Fatalities per 10,000 Population and 100 Million Vehicle Miles Traveled in Utah, Calendar Years 2005-2014				
	DUI/Alcohol-Related Fatalities*	DUI/Alcohol-Related Fatality Rates per 10,000 Population		DUI/Alcohol-Related Fatality Rates per 100 Million Vehicle Miles Traveled	
		Population as of July 1	Rate	Vehicle Miles Traveled	Rate
2005	22	2,505,844	0.09	25,129,538,952	0.09
2006	39	2,576,228	0.15	26,166,885,473	0.15
2007	42	2,636,077	0.16	26,824,244,333	0.16
2008	34	2,691,122	0.13	25,883,467,343	0.13
2009	31	2,731,558	0.11	26,217,108,843	0.12
2010	25	2,774,663	0.09	26,617,169,711	0.09
2011	39	2,813,923	0.14	26,379,900,505	0.15
2012	20	2,852,589	0.07	26,637,413,207	0.08
2013	23	2,900,872	0.08	27,014,745,900	0.09
2014	45	2,942,902	0.15	27,574,227,734	0.16

Source: Utah Department of Public Safety, Highway Safety Office

\* DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of  $\geq .08$ .

The figure below illustrates the rates of DUI/Alcohol-related fatalities in Utah for calendar years 2005 through 2014, per 100 million vehicle miles traveled. From CY 2013 to CY 2014, the DUI/Alcohol-related fatality rate per 100 million vehicle miles traveled increased significantly, from 0.09 to 0.16.

**Rates of DUI/Alcohol-Related Fatalities in Utah, Per 100 Million Vehicle Miles Traveled, Calendar Years 2005-2014**



Source: Utah Department of Public Safety, Highway Safety Office

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

The following table shows the number of DUI-related vehicle crashes, injuries and fatalities involving drugs only (no alcohol or BAC less than .08) for available years. The most common types of drugs found in fatal drug-related crashes in CY 2014 were THC (Marijuana), opiates (Oxycodone, Morphine and Hydrocodone); and Methamphetamine. The number of fatalities that were DUI/drug-related decreased almost 16 percent, from 45 in CY 2013 to 38 in CY 2014.

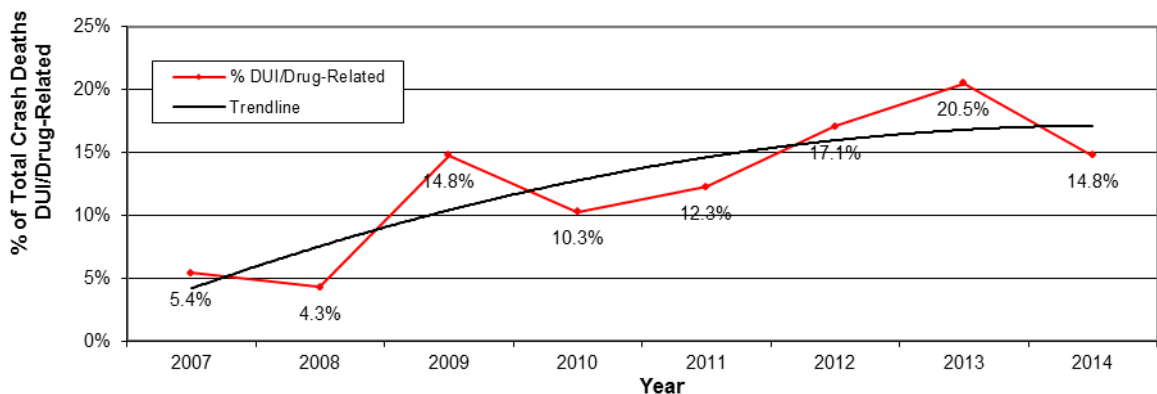
<b>DUI/Drug-Related Crashes, Injuries and Fatalities in Utah, CY 2007-2014</b>									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/ Drug Crashes*	Percent DUI/ Drug	Total Injured Persons	DUI/Drug Injured Persons	Percent DUI/ Drug	Total Crash Fatalities	DUI/Drug Fatalities**	Percent DUI/ Drug
<b>2007</b>	61,245	158	0.3%	27,420	113	0.4%	299	16	5.4%
<b>2008</b>	56,367	565	1.0%	24,673	428	1.7%	276	12	4.3%
<b>2009</b>	51,367	547	1.1%	22,847	443	1.9%	244	36	14.8%
<b>2010</b>	49,368	525	1.1%	21,675	382	1.8%	253	26	10.3%
<b>2011</b>	52,287	603	1.1%	22,325	388	1.7%	243	30	12.3%
<b>2012</b>	50,600	548	1.1%	22,336	383	1.7%	217	37	17.1%
<b>2013</b>	55,637	567	1.0%	22,740	393	1.7%	220	45	20.5%
<b>2014</b>	54,036	320	0.6%	23,364	660	2.8%	256	38	14.8%

Source: Utah Department of Public Safety, Highway Safety Office  
 \*DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.  
 \*\*DUI/drug-related fatalities include only drivers who tested positive for drugs and had a BAC of < .08.

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.

The figure below illustrates the trend in Utah’s DUI/drug-related crash fatalities from calendar years 2007 through 2014.

**Percentage of Total Crash Fatalities That Were DUI/Drug-Related in Utah, Calendar Years 2007-2014**



Source: Utah Department of Public Safety, Highway Safety Office



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. The Justice Courts, which are sponsored by municipalities and counties, handle DUI offenses classified as class B misdemeanors. DUI offenses classified as class A misdemeanors and felonies are under the jurisdiction of the state’s District Courts. A DUI offense is classified as a class A misdemeanor if it involves bodily injury, a passenger under 16, or a passenger under 18 if the driver is 21 or older. A DUI offense is classified as a third 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.

### Justice Court DUI Data

#### Justice Court DUI Cases and Outcomes

The following table shows the outcomes of the 8,313 DUI cases Utah’s Justice Courts during FY 2015. There were only 47 fewer cases than in the previous year. Almost 55 percent of cases resulted in a guilty plea or verdict, with about 12 percent dismissed or not guilty. This table does not represent the actual DUI conviction rate, however, as it includes cases filed in previous fiscal years that were not resolved until FY 2015. In addition, 2,782 cases were still pending resolution at the close of FY 2015.

Justice Court DUI Case Outcomes	FY 2013		FY 2014		FY 2015		% Change FY 14 – FY 15
	Number	Percent	Number	Percent	Number	Percent	
Guilty	5,205	57.7%	4,764	57.0%	4,541	54.6%	-4.7%
Dismissed or Not Guilty	827	9.2%	805	9.6%	990	11.9%	+23.0%
Cases Pending	2,991	33.1%	2,791	33.4%	2,782	33.5%	-0.3%
<b>TOTAL</b>	<b>9,023</b>	<b>100.0%</b>	<b>8,360</b>	<b>100.0%</b>	<b>8,313</b>	<b>100.0%</b>	<b>-0.6%</b>

Source: Utah Administrative Office of the Courts

#### Justice Court Repeat DUI Offender Data

The Justice Courts also track how repeat DUI offenders are handled. In the table on the following page, which includes data for fiscal years 2013, 2014 and 2015, 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 2015 for example, about 14 percent of DUI offenders were charged with a second offense, while 17 percent were actually second-time offenders, and almost 16 percent were sentenced as second-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.

<b>Justice Court Repeat DUI Offender Data for Fiscal Years 2013-2015<sup>2</sup></b>									
<b>Offense</b>	<b>Offense Was Charged As</b>			<b>Offense Was Actually</b>			<b>Offense Was Sentenced As</b>		
	<b>FY 13</b>	<b>FY 14</b>	<b>FY 15</b>	<b>FY 13</b>	<b>FY 14</b>	<b>FY 15</b>	<b>FY 13</b>	<b>FY 14</b>	<b>FY 15</b>
1 <sup>st</sup> Offense	84.7%	80.0%	85.0%	82.2%	80.2%	81.9%	83.6%	82.4%	84.2%
2 <sup>nd</sup> Offense	15.2%	16.5%	13.9%	16.8%	18.6%	17.2%	16.0%	17.3%	15.6%
3 <sup>rd</sup> Offense	0.2%	1.5%	0.5%	0.7%	0.8%	0.7%	0.3%	0.2%	0.1%
4 <sup>th</sup> Offense	0.0%	1.3%	0.2%	0.2%	0.2%	0.1%	0.1%	0.1%	0.0%
5 <sup>th</sup> or Greater Offense	0.0%	0.7%	0.3%	0.1%	0.2%	0.1%	0.0%	0.0%	0.0%
<b>TOTAL</b>	<b>100.0%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: Utah Administrative Office of the Courts

**Justice Court DUI Case Information and Sanctions**

Additional DUI-related case information collected by the Justice Courts is shown in the table below. The table includes data for those Justice Courts in the Courts Information System (CORIS). The data indicate in FY 2015 judges ordered offenders to complete an educational series in 2,438 cases, ordered substance use disorder treatment in 1,828 cases, and that ignition interlock devices were ordered in 586 cases.

<b>Justice Court DUI Case Information and Sanctions</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
Number of Justice Courts Providing Data	121	117	120
Blood/Breath Alcohol Content (BAC) Known	3,224	3,130	3,046
Substance Use Disorder Screening and Assessment	3,456	3,826	3,090
Substance Use Disorder Treatment Ordered	2,144	2,156	1,828
Educational Series Ordered	2,629	2,494	2,438
Ignition Interlock Ordered	767	728	586
Supervised (Non-Court) Probation	1,760	1,505	1,641
Electronic Monitoring	214	227	226
Enhancement Notification	1,382	1,682	2,635

Source: Utah Administrative Office of the Courts

<sup>2</sup> The cases in the table represent only those for which the number of the offense was known. In addition, the following cases were not included: bail forfeiture, deceased, declined, dismissed, not guilty, remanded, and transferred.

## District Court DUI Data

As shown in the table below, Utah’s District Courts disposed 2,368 DUI cases during FY 2015, 264 more than in FY 2014.

DUI in Utah’s District Courts	FY 2013	FY 2014	FY 2015	% Change FY 14 – FY 15
District Court Cases Disposed	2,305	2,104	2,368	+12.5%

Source: Utah Administrative Office of the Courts

### District Court DUI Case Outcomes

The table below shows case outcomes by Judicial District for the 2,368 DUI cases disposed by Utah’s eight District Courts during FY 2015. Nearly 74 percent of the cases resulted in a guilty plea or verdict, and the defendant was found not guilty in only one case. Fourteen percent of the cases were dismissed. 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 2015. Pending cases were not included in the data analysis.

FY 2015 District Court DUI Case Outcomes by Judicial District										
DUI Case Outcomes	Judicial District								Total	Percent
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>		
Deceased	1	0	1	1	1	0	0	0	4	0.2%
Declined Prosecution	0	0	1	0	0	0	0	0	1	<0.1%
Dismissed	16	50	109	95	25	19	11	13	338	14.3%
Diversion	0	0	0	0	0	0	0	0	0	<0.1%
Guilty	97	343	497	432	140	85	57	99	1,750	73.9%
No Contest	1	8	4	22	4	4	0	3	46	1.9%
Not Guilty	0	0	0	0	1	0	0	0	1	<0.1%
Plea in Abeyance	0	1	2	5	1	6	0	1	16	0.7%
Remanded	1	5	51	5	4	1	0	2	69	2.9%
Transferred	1	4	91	46	0	1	0	0	143	6.0%
<b>TOTAL</b>	<b>117</b>	<b>411</b>	<b>756</b>	<b>606</b>	<b>176</b>	<b>116</b>	<b>68</b>	<b>118</b>	<b>2,368</b>	<b>100.0%</b>

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 on the following page, which includes data for fiscal years 2013, 2014 and 2015, 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 2015 for example, 18 percent of DUI offenders were charged with a second offense, while 24 percent were actually second-time offenders, and 21 percent were sentenced as second-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.

<b>District Court Repeat DUI Offender Data for Fiscal Years 2013-2015<sup>3</sup></b>									
<b>Offense</b>	<b>Offense Was Charged As</b>			<b>Offense Was Actually</b>			<b>Offense Was Sentenced As</b>		
	<b>FY 13</b>	<b>FY 14</b>	<b>FY 15</b>	<b>FY 13</b>	<b>FY 14</b>	<b>FY 15</b>	<b>FY 13</b>	<b>FY 14</b>	<b>FY 15</b>
1 <sup>st</sup> Offense	49%	50%	59%	52%	50%	52%	56%	56%	58%
2 <sup>nd</sup> Offense	16%	17%	18%	18%	22%	24%	18%	19%	21%
3 <sup>rd</sup> Offense	31%	28%	19%	25%	22%	18%	23%	21%	18%
4 <sup>th</sup> Offense	1%	4%	2%	1%	4%	4%	1%	3%	2%
5 <sup>th</sup> -10 <sup>th</sup> Offense	2%	1%	2%	4%	2%	2%	2%	1%	1%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: Utah Administrative Office of the Courts

**District Court DUI Case Information and Sanctions**

Other DUI-related case information, including sanctions ordered, is also collected by the District Courts. The table below includes the FY 2015 data for those cases where the values were known. The table shows judges ordered offenders to complete an educational series in 289 cases, ordered substance use disorder treatment in 799 cases, and that ignition interlock devices were ordered in 283 cases.

<b>District Court DUI Case Information and Sanctions</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
Blood/Breath Alcohol Content (BAC) Known	455	411	563
Substance Use Disorder Screening and Assessment	693	622	754
Substance Use Disorder Treatment Ordered	630	616	799
Educational Series Ordered	308	258	289
Ignition Interlock Ordered	275	265	283
Supervised (Non-Court) Probation	887	830	979
Electronic Monitoring	116	109	148
Enhancement Notification	100%	100%	100%

Source: Utah Administrative Office of the Courts

The DUI Sentencing Matrix included at the end of this report provides detailed information regarding DUI offense classifications and sanctions.

<sup>3</sup> The cases in the table represent only those for which the number of the offense was known. 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 4,642 requested alcohol hearings held in FY 2015. 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 2,114 of the cases, at least one of the parties called in for the hearing.

FY 2015 Alcohol Hearing Statistics						
ACD Code	Total # of Hearings	No Officer/ No Action	No Officer Telephonic	Other No Action	Total No Action	Total Telephonic
Per Se	3,940	792	243	556	1,348	1,773
Not a Drop	80	26	11	13	39	73
Refusal	622	60	33	62	122	268
<b>TOTAL</b>	<b>4,642</b>	<b>878</b>	<b>287</b>	<b>631</b>	<b>1,509</b>	<b>2,114</b>

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 substance 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 substance 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 use disorder treatment.<sup>4</sup> The following table shows the orders for substance use disorder screening and assessment by the District and Justice Courts in FY 2015, for those cases where the values were known.

<b>Substance Use Disorder Screening and Assessment Ordered by the Courts</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
Justice Courts	3,456	3,826	3,090
District Courts	693	622	754

Source: Utah Administrative Office of the Courts

### 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 purpose of DUI education is to “address any problems or risk factors that appear to

<sup>4</sup> Center for Substance Abuse Treatment, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, Treatment Improvement Protocol (TIP) Series, #7.

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.”<sup>5</sup> Utah DUI offenders sentenced to an educational series attend the PRIME For Life® (PFL) program developed by the Prevention Research Institute (PRI). “PRIME For Life® is a motivational intervention that provides education and strategies for individuals who have experienced problems due to high-risk alcohol or drug use. PFL is an interactive experience designed to motivate and guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support those low-risk choices. The program provides research-based, low-risk guidelines and assists participants in making choices to best protect what they value.”<sup>6</sup>

The following table shows the orders for the educational series by the Justice and District Courts in FY 2015, for those cases where values were known.

<b>Educational Series Ordered by the Courts</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
Justice Courts	2,629	2,494	2,438
District Courts	308	258	289

Source: Utah Administrative Office of the Courts

## 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 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. 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.”<sup>7</sup> Treatment should address both alcohol and other substance use disorders. The level of treatment needed (e.g., day treatment, outpatient, intensive outpatient, residential) is determined by the assessment on the basis of the severity of the substance use disorder. The table below shows the orders for substance use disorder treatment by the Justice and District Courts in FY 2015, for those cases where the values were known.

<b>Substance Use Disorder Treatment Ordered by the Courts</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
Justice Court	2,144	2,156	1,828
District Court	630	616	799

Source: Utah Administrative Office of the Courts

<sup>5</sup> Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

<sup>6</sup>Stafford, P., Beadnell, B., Rosengren, D.B., Carter-Lunceford, C., & Huynh, H. (2012, April). *PRIME For Life UTAH 2011 Evaluation Report Executive Summary*. Lexington, KY: Prevention Research Institute.

<sup>7</sup> Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.



Impaired Driving Media Campaign  
**6**

## Utah's Impaired Driving Media Campaign

The Utah Department of Public Safety's Highway Safety Office conducts a statewide mass media campaign that supports planned DUI saturation patrols, melding the effort into these successful, high visibility enforcement efforts. The primary goal of this media campaign is to reduce the incidence of impaired driving in Utah by raising awareness of the dangers of driving under the influence. The campaign focuses on community mobilization, bringing together law enforcement, media, local businesses, and community officials to share the prevention message and curb impaired driving. The campaign also aims to educate Utah's citizens about DUI, one of America's most frequent and deadliest crimes. <http://drivesober.org/>



Partnership with Maverik



Partnerships with Utah State University and University of Utah Tailgate Groups



Partnerships with Lumpys, Piper Down and the Green Pig Social Clubs



Partnership with Station Park in Farmington



Partnership with Scheels



# UTAH DUI SENTENCING MATRIX

(Current as of May 12, 2015)

Court-Ordered Sentencing	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	
<b>CLASSIFICATION</b> (§41-6a-503)	<b>CLASS B MISDEMEANOR</b> <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>if bodily injury<sup>1</sup></li> <li>if passenger is under 16</li> <li>if passenger is under 18 and driver is 21 or older</li> </ul>	<b>CLASS B MISDEMEANOR</b> <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>if bodily injury<sup>1</sup></li> <li>if passenger under 16</li> <li>if passenger is under 18 and driver is 21 or older</li> </ul>	<b>THIRD DEGREE FELONY</b> <ul style="list-style-type: none"> <li>if third or subsequent offense within 10 years</li> <li>if serious bodily injury<sup>1</sup></li> <li>if any prior felony DUI conviction or automobile homicide<sup>1</sup> conviction</li> </ul>
<b>Jail</b> (§41-6a-505)	<b>SHALL</b> order: 48 consecutive hours <b>OR</b> 48 hours compensatory service <b>OR</b> 48 hours electronic home confinement <sup>2</sup>	<b>SHALL</b> order: 240 consecutive hours <b>OR</b> 240 hours compensatory service <b>OR</b> 240 hours electronic home confinement <sup>2</sup>	<b>SHALL</b> order: 0-5 year prison term <b>OR</b> 1,500 hours jail (62.5 days) <b>OR</b> 1,500 hours electronic home confinement <sup>2</sup>
<b>Fine, Surcharge, and Court Security Fee</b> (§41-6a-505) (§51-9-401)	<b>SHALL</b> order: \$700 minimum fine plus a \$630 surcharge plus a \$40 court security fee	<b>SHALL</b> order: \$800 minimum fine plus a \$720 surcharge plus a \$40 court security fee	<b>SHALL</b> order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$40 court security fee, unless a 0-5 prison term is imposed
<b>Screening, Assessment, Educational Series, Treatment</b> (§41-6a-505)	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Screening</li> <li>Assessment (if found appropriate by screening)</li> <li>Educational series, unless treatment is ordered</li> </ul> <b>MAY</b> order: <ul style="list-style-type: none"> <li>Treatment</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Screening</li> <li>Assessment (if found appropriate by screening)</li> <li>Educational series, unless treatment is ordered</li> </ul> <b>MAY</b> order: <ul style="list-style-type: none"> <li>Treatment</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Screening</li> <li>Assessment</li> <li>Treatment as appropriate, unless 0-5 prison term is imposed</li> </ul>
<b>Probation</b> <sup>3</sup> (§41-6a-507)	<b>MAY</b> order supervised probation	<b>SHALL</b> order supervised probation	<b>SHALL</b> order supervised probation if 0-5 prison term is not imposed
<b>Ignition Interlock</b> <sup>4</sup> (§41-6a-518) (§41-6a-530)	<b>MAY</b> order: <ul style="list-style-type: none"> <li>Ignition interlock</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21</li> <li>Interlock for an ARD<sup>5</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Ignition interlock</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21</li> <li>Interlock for an ARD<sup>5</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Ignition interlock</li> </ul> <b>SHALL</b> order: <ul style="list-style-type: none"> <li>Interlock if under 21</li> <li>Interlock for an ARD<sup>5</sup> violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>
<b>High BAC (.16 or higher)</b> (§41-6a-505)	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Supervised probation<sup>3</sup></li> <li>Treatment <b>and</b> interlock<sup>4</sup> <b>and/or</b> ankle attached continuous transdermal alcohol monitoring device <b>and/or</b> electronic home confinement<sup>2</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Supervised probation<sup>3</sup></li> <li>Treatment <b>and</b> interlock<sup>4</sup> <b>and/or</b> ankle attached continuous transdermal alcohol monitoring device <b>and/or</b> electronic home confinement<sup>2</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>	<b>SHALL</b> order: <ul style="list-style-type: none"> <li>Supervised probation<sup>3</sup> if 0-5 prison term is not imposed</li> <li>Treatment <b>and</b> interlock<sup>4</sup> <b>and/or</b> ankle attached continuous transdermal alcohol monitoring device <b>and/or</b> electronic home confinement<sup>2</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>
<b>Driver License Suspension</b> (§41-6a-509)	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 120 days, 180 days, one year or 2 years

<sup>1</sup>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.

<sup>2</sup>See §41-6a-506 for electronic home confinement provisions.

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

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

<sup>5</sup>Alcohol 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
<b>Driver License Denial, Suspension, or Revocation</b>		
<b>Driving Under the Influence/ DUI Conviction</b> (§41-6a-509)	<p><b>If 21 or older:</b> 120 days</p> <p><b>If 19-20:</b> Longer of one year or until 21<sup>st</sup> birthday</p> <p><b>If under 19:</b> Until 21<sup>st</sup> birthday</p> <p><b>Early License Reinstatement for Drivers Under 21:</b>            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.</p>	<p><b>If 21 or older:</b> 2 years</p> <p><b>If 19-20:</b> Longer of 2 years or until 21<sup>st</sup> birthday</p> <p><b>If under 19:</b> Until 21<sup>st</sup> birthday</p>
<b>Driving with Controlled Substance/ Metabolite in Body Conviction</b> (§41-6a-517)	<p><b>If 21 or older:</b> 120 days</p> <p><b>If 19-20:</b> Longer of one year or until 21<sup>st</sup> birthday</p> <p><b>If under 19:</b> Until 21<sup>st</sup> birthday</p> <p><b>Early License Reinstatement for Drivers Under 21:</b>            Same as above, but sworn statement must include the person has not consumed a controlled substance not prescribed by a practitioner during the suspension period.</p>	<p><b>If 21 or older:</b> 2 years</p> <p><b>If 19-20:</b> Longer of two years or until 21<sup>st</sup> birthday</p> <p><b>If under 19:</b> Until 21<sup>st</sup> birthday</p>
<b>Refusal of Chemical Test</b> (§41-6a-521)	<p><b>If 21 or older:</b> 18 months</p> <p><b>If under 21:</b> Longer of 2 years or until 21<sup>st</sup> birthday</p>	<p><b>If 21 or older:</b> 36 months</p> <p><b>If under 21:</b> Longer of 36 months or until 21<sup>st</sup> birthday</p>
<b>Per se Arrest</b> (§53-3-223)  <small>≥ .08 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system</small>	<p><b>If 21 or older:</b> 120 days</p> <p><b>If under 21:</b> 6 months</p>	<p><b>If 21 or older:</b> 2 years</p> <p><b>If under 21:</b> Longer of 2 years or until 21<sup>st</sup> birthday</p>
<b>Not A Drop</b> (§53-3-231)  <small>A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body</small>	<p><b>If under 21:</b> Until successful completion of substance abuse program recommendation, but not less than 6 months</p>	<p><b>If under 21:</b> Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21<sup>st</sup> birthday</p>
<b>Failure to Install or Removal of Ignition Interlock Device</b> (§53-3-1007)	<p>An individual who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an ignition 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 ignition interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.</p>	
<b>Other Sanctions</b>		
<b>IRD – Interlock Restricted Driver</b> (§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"> <li>• <b>18 months IRD</b> for 1<sup>st</sup> DUI (§41-6a-502) if over 21</li> <li>• <b>3 years IRD</b> for 1<sup>st</sup> Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-521), or 1<sup>st</sup> DUI (§41-6a-502) if under 21</li> <li>• <b>3 years IRD</b> 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)</li> <li>• <b>6 years IRD</b> for Felony DUI (§41-6a-502)</li> <li>• <b>10 years IRD</b> for Automobile Homicide (§76-5-207)</li> </ul> <p><small>Note: Abeyances count as convictions, as defined in §41-6a-501; if all offenses are for Controlled Substance/Metabolite convictions, IRD does not apply</small></p>	
<b>ARD – Alcohol Restricted Driver</b> (§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"> <li>• <b>2 years ARD</b> for 1<sup>st</sup> DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5)</li> <li>• <b>2 years ARD</b> for any Per se offense (§53-3-223)</li> <li>• <b>3 years ARD</b> 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</li> <li>• <b>5 years ARD</b> for 1<sup>st</sup> Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502)</li> <li>• <b>10 years ARD</b> for 2<sup>nd</sup> offense, if 2<sup>nd</sup> 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 1<sup>st</sup> 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)</li> <li>• <b>Lifetime ARD</b> for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207)</li> </ul> <p><small>Note: Abeyances count as convictions as stated in §53-3-229, excluding ARD and IRD abeyances; if Per se is drug only or metabolite, ARD does not apply.</small></p>	







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