

UTAH DUI SENTENCING MATRIX

(Current as of April 2010)

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, 180 days, 1 year or 2 years	Court MAY order additional 90 days, 180 days, 1 year or 2 years	Court MAY order additional 90 days, 180 days, 1 year or 2 years

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 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	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	
Driver License Suspension (§41-6a-509)	If 21 or older: Suspend for 120 days If under 21: Suspend until 21 or for 120 days, whichever is longer OR If not issued a license, deny application for license or learner's permit until 21 or for 120 days, whichever is longer	If 21 or older: Revoke for 2 years If under 21: Revoke until 21 or for 2 years, whichever is longer OR If not issued a license, deny application for license or learner's permit until 21 or for 2 years, whichever is longer	If 21 or older: Revoke for 2 years If under 21: Revoke until 21 or for 2 years, whichever is longer
(§41-6a-521)	REFUSAL OF CHEMICAL TEST		
(§41-6a-517)	1st Offense If 21 or older: Revoke for 18 months If under 21: Revoke until 21 or for 18 months, whichever is longer 2nd and Subsequent Offenses If 21 or older: Revoke for 36 months If under 21: Revoke until 21 or for 36 months, whichever is longer		
	DRIVING WITH CONTROLLED SUBSTANCE IN BODY		
	1st Offense If 21 or older: Suspend for 120 days If under 21: Suspend until 21 or for 120 days 2nd and Subsequent Offenses If 21 or older: Revoke for 2 years If under 21: Revoke until 21 or for 2 years		
Interlock Restricted Driver (§41-6a-518.2) An "interlock restricted driver" may not operate a motor vehicle without an ignition interlock system as ordered by a court or the Board of Pardons and Parole, or due to a statutory provision.	Ignition interlock required for 18 months	Ignition interlock required for 3 years	Ignition interlock required for 6 years
	<ul style="list-style-type: none"> • Ignition interlock required for 3 years for operating a vehicle without an ignition interlock system if an interlock restricted driver • Ignition interlock required for 3 years for refusal to submit to a chemical test • Ignition interlock required for 3 years if under the age of 21 at time of DUI • Ignition interlock required for 10 years if convicted of automobile homicide 		
Alcohol Restricted Driver (§41-6a-529) An "alcohol restricted driver" may not operate or be in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the person's body.	Alcohol restricted driver for 2 years If bodily injury, passenger under 16, or passenger under 18 if driver 21 or older, alcohol restricted driver for 5 years	Alcohol restricted driver for 10 years	Alcohol restricted driver for life
	Convictions for the following violations will also result in a person being an alcohol restricted driver for the time periods indicated: <ul style="list-style-type: none"> • 2 years for impaired driving (§41-6a-502.5) • 3 years for driving with measurable/detectable alcohol in body if an alcohol restricted driver OR for driving without an ignition interlock system if an interlock restricted driver (§41-6a-518.2) • 5 years for refusal of a chemical test (§41-6a-520) • 10 years for impaired driving OR refusal of a chemical test within 10 years of a prior offense • Until 21 for a person who is under 21 years of age at the time of the violation 		