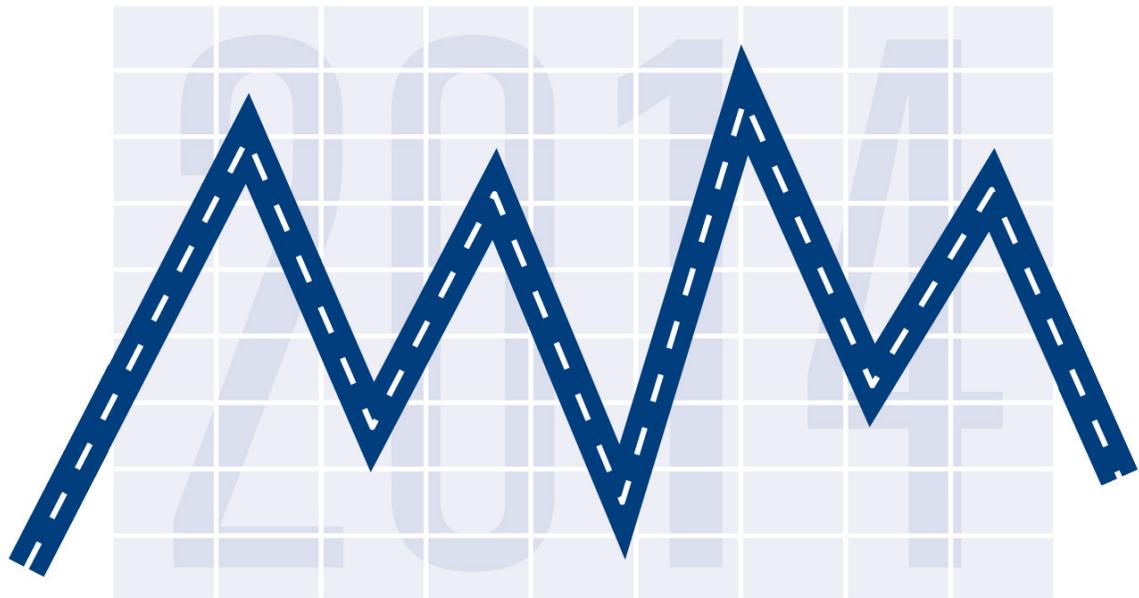


UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Twelfth Annual DUI Report to the Utah Legislature



CCJJ
Utah State Capitol Complex
Senate Office Building, Suite 330
P.O. Box 142330
Salt Lake City, Utah 84114-2330
Phone: 801-538-1031 • Fax: 801-538-1024
<http://justice.utah.gov>

Acknowledgements

The Utah Commission on Criminal and Juvenile Justice gratefully acknowledges the following agencies for providing the data for this report: the Administrative Office of the Courts; the Utah Department of Human Services, Division of Substance Abuse and Mental Health; and several divisions within the Utah Department of Public Safety, including the Highway Patrol, Driver License Division, and Highway Safety Office.

Special thanks to Marty Asay, George Braden, Art Brown, Kim Gibb, Sandi Johnson, Gary Mower, Teri Pectol, Dr. Ben Peterson, Briant Smith, Sergeant Ted Tingey and Doreen Weyland for their contributions and 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 Fiscal Year 2014

DUI-Related Fatalities in Calendar Year 2013

- From CY 2012 to CY 2013, DUI/alcohol-related fatalities in Utah increased from 20 to 23 and DUI/drug-related fatalities increased from 37 to 45.

Law Enforcement: Arrests

- There were 10,901 DUI arrests in FY 2014, 1,326 fewer than in the previous year. This represents a decrease of nearly 11 percent.
- Eighty-one percent of the arrests were for per se violations that included driving under the influence of alcohol, drugs, or both.
- Arrests included 1,296 made during specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI sobriety checkpoints that involved 102 law enforcement agencies throughout the state.
- During the specialized DUI overtime enforcement events, officers observed and documented 1,195 designated drivers.
- Almost 55 percent of all DUI arrests were made by municipal law enforcement agencies.
- Seventy-two percent of DUI arrestees were male.
- Almost 12 percent of arrestees were under the legal drinking age of 21 and the youngest arrestee was 14 years old.

- The average blood alcohol content (BAC) for arrestees was .14; the highest was .44, *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 72 percent of the total.
- While Utah's population has continued to grow, the DUI arrest rate has declined steadily, with a nearly 36 percent decrease since FY 2009.
- Seventy percent of arrests were for a first DUI offense, 19 percent were for a second offense, almost seven percent were for a third offense, and four percent were for a fourth or subsequent offense.
- From CY 2012 to CY 2013, the percentage of total crash fatalities that were DUI/alcohol-related increased from 9.2 percent to 10.5 percent.
- From CY 2012 to CY 2013, the percentage of total crash fatalities that were DUI/drug-related increased from 17.1 percent to 20.5 percent.

Courts: Adjudications and Sanctions

- In FY 2014, there were 8,360 DUI cases in Utah's Justice Courts. Among the cases resolved, 57 percent resulted in a guilty plea or verdict.
- In FY 2014, there were 2,104 DUI cases disposed by the state's District Courts. Among the cases resolved, almost 72 percent resulted in a guilty plea or verdict.

Driver License Control

- The Driver License Division conducted 4,464 hearings in FY 2014 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 3,826 cases, ordered an educational series in 2,494 cases, and ordered substance use disorder treatment in 2,156 cases.
- District Court judges ordered offenders to undergo a substance use disorder screening and assessment in 622 cases, ordered an educational series in 258 cases, and ordered substance use disorder treatment in 616 cases.



"I'm angered. The simple message is don't drive drunk. If you want to have a few drinks, please stay home, get a designated driver . . . this guy was way out of control and it's not fair. It's sad and it's going to affect our family for a very long time."

Matt Thurber

Introduction

1

Introduction

Zane Thurber had a zest for life and at the age of three was just beginning to discover the world around him. On Saturday, January 25, 2014, Zane and his 6-year-old brother Holden were on their way home with their dad, Matt Thurber. At about 8:32 p.m., they were stopped at a red light at the intersection of 1300 West and 5400 South in Taylorsville, when a Dodge Ram pickup truck slammed into the back of their Subaru Legacy, causing a chain reaction crash with three other vehicles stopped in front of them. It has been estimated that the driver of the pickup, 45-year-old Manuel de Jesus Guinea, was traveling between 60-70 miles per hour in the 45 mph zone, and may have braked about one second prior to the crash.

Almost everyone involved in the crash was injured; Matt Thurber and his son Holden were hospitalized. Little Zane died at the scene, having been killed upon impact.

Witnesses reported Guinea was driving erratically, weaving in and out of traffic at a high rate of speed, and some were in the process of calling 911 when the crash occurred. After the crash, Guinea exited his vehicle and tried to blend in with others and leave the scene. He was restrained until the police arrived by bystanders who reported he "reeked of alcohol". Several unopened cans of beer were found in his truck. He was arrested and booked into the Salt Lake County Jail for investigation of automobile homicide and driving under the influence.



Zane Anthony Thurber
2010 - 2014



Manuel de Jesus Guinea was charged with killing 3-year-old Zane Thurber and injuring at least nine other people while driving under the influence of alcohol. Tests at different points in time indicated he had a blood alcohol content (BAC) of .20-.24, approaching or at three times the legal limit. On September 8, 2014 Guinea pled guilty to automobile homicide, a second degree felony. In exchange for his plea, the nine counts of DUI for the individuals who suffered injuries as a result of the crash, class A misdemeanors and one third degree felony for serious bodily injury, were dropped. Guinea is scheduled to be sentenced on November 7, 2014 and faces up to 15 years in prison. In addition, because he is believed to be in the country illegally, Guinea also faces possible deportation when he is released from prison.

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

Purpose of the Report

The *Twelfth 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.

2014 DUI and Related Legislation



The following bills and appropriation were passed by the Utah Legislature in the 2014 General Session:

H.B. 15 Driver License Suspension Amendments *Representative Douglas V. Sagers*

This bill requires the Driver License Division to shorten a person's one- or two-year license suspension or denial period that is currently in effect for certain alcohol related offenses to a six-month period if: the driver was under the age of 19 at the time of arrest; the offense was a first offense that was committed prior to May 14, 2013; and the suspension or denial was based on the same occurrence upon which certain written verifications are based.

Grants the Driver License Division rulemaking authority to make rules establishing requirements for acceptable documentation to shorten a person's driver license suspension or denial period in certain circumstances.

Requires a person to pay the license reinstatement fees if a person's license sanction is shortened.

H.B. 40 Beer Excise Tax Revenue Amendments *Representative Jack R. Draxler*

This bill expands the scope of the Alcoholic Beverage Enforcement and Treatment Restricted Account to become the *Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account*.

Modifies definition provisions regarding "prevention" and encourages the most effective formula allocation in relationship to prevention.

Addresses preparation of forms and grants rulemaking authority.

H.B. 190 Breathalyzer Amendments *Representative Gregory Hughes*

This bill defines terms and addresses installation or provision of breathalyzers on the premises of retail licensees.

Requires a retail licensee to post in a conspicuous location by the breathalyzer: a notice to the user of the breathalyzer that the timing of when a breathalyzer test is taken may affect the results of the breathalyzer test; and a notice that states “The National Transportation Safety Board has found that crash risk is consistently and significantly elevated by the time an individual reaches a blood alcohol content of 0.05.”

H.B. 291 State Laboratory Drug Testing Account Amendments

Representative Ronda Rudd Menlove

This bill increases the administrative fee for license reinstatement after an alcohol-related or drug-related offense (from \$170 to \$230).

Increases the amount deposited in the State Laboratory Drug Testing Account from the Department of Public Safety Restricted Account.

Requires the Department of Public Safety to report to the Department of Health annually the amount the Department of Public Safety expects to collect from administrative fees for license reinstatement in the next fiscal year.

Appropriates in fiscal year 2014-2015: to the Department of Health – Disease Control and Prevention as an ongoing appropriation: from the General Fund Restricted – State Laboratory Drug Testing Account/Forensic Toxicology, \$228,300.

Appropriation

Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account

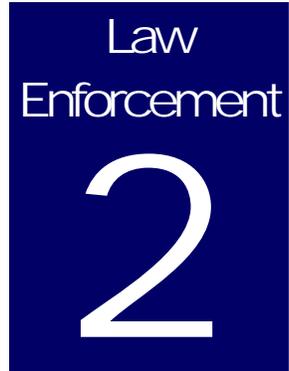
The 2014 Legislature appropriated \$5,386,400 to the Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account (§32B-2-401) for FY 2015. Funding from this account is distributed annually on a formula basis to Utah’s municipalities and counties to be used for one or more of the following alcohol- and/or substance abuse-related purposes: (1) prevention/education; (2) treatment of offenders; (3) law enforcement, including DUI; (4) prosecution; and (5) confinement of offenders.

USAAV DUI Committee

The Utah Substance Abuse Advisory Council maintains a DUI Committee whose members represent state and local agencies and organizations dealing with the DUI issue in Utah. The Committee works closely with the Legislature to recommend and review proposed legislation that will strengthen Utah's ability to more effectively address the DUI problem.



USAAV DUI Committee Membership	
Senator Stuart Adams	Senator <i>Utah State Senate</i>
David Beach	Director, Utah 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, <u>Chair</u>	Executive Director <i>Statewide Association of Prosecutors</i>
Art Brown	Representative of DUI Victims, Past President of the Utah Chapter of Mothers Against Drunk Driving
Patty Fox	Probation 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, <u>Vice Chair</u>	Records Bureau Chief, Driver License Division <i>Utah Department of Public Safety</i>
Chief Wayne Hansen	Farmington Police Department <i>Utah Chiefs of Police Association</i>
Linda Mayne	Education Specialist for Driver Education <i>Utah State Office of Education</i>
Doug Murakami	Director of Alcohol Education <i>Utah Department of Alcoholic Beverage Control</i>
Sheriff Frank Park	Tooele County Sheriff's Office <i>Utah Sheriffs Association</i>
Teri Pectol	Impaired Driving/Youth Alcohol Program Manager, Utah Highway Safety Office, <i>Utah Department of Public Safety</i>
Rick Schwermer	Assistant State Court Administrator <i>Administrative Office of the Courts</i>
Holly Watson	Substance Abuse Education Program Manager <i>Utah Division of Substance Abuse and Mental Health</i>
Mary Lou Emerson, Director	Utah Substance Abuse Advisory Council



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 2014, law enforcement officers made 10,901 DUI arrests. This was 1,326 fewer than in FY 2013, representing a decrease of nearly 11 percent, and a 16 percent decrease since FY 2012.

DUI Arrests

DUI Arrests by Violation Type

As illustrated in the following table, the distribution of DUI arrests by type of violation in FY 2014 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 or other drugs. Eleven 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 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 4.3 percent of the arrests. The fewest arrests were of commercial drivers exceeding the .04 limit, which represented only 0.2 percent of the total.

DUI Arrests by Violation Type	FY 2012		FY 2013		FY 2014		Percent Change FY 13-FY 14
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	10,911	83.7%	9,872	80.7%	8,870	81.4%	-10.1%
Refusal of Chemical Test	1,350	10.4%	1,415	11.6%	1,231	11.3%	-13.0%
Not a Drop (< 21)	594	4.6%	547	4.5%	472	4.3%	-13.7%
Drug Metabolite	149	1.1%	191	1.6%	142	1.3%	-25.6%
Commercial Driver (.04)	27	0.2%	17	0.1%	26	0.2%	+52.9%
Unknown (no box marked)	0	0.0%	185	1.5%	160	1.5%	-13.5%
TOTAL	13,031	100.0%	12,227	100.0%	10,901	100.0%	-10.8%

Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in FY 2014 included those that occurred as a result of specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints. A portion of the DUI impound fees collected was specifically designated to fund the overtime shifts, which were coordinated through the Utah Highway Safety Office. During FY 2014, 102 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 and Recreation, Utah Wildlife Resources, and two university police departments. The table below shows the measures associated with DUI overtime enforcement events in FY 2014. Of the total 1,296 DUI arrests, 946 were for alcohol, 250 were for other drugs, and 100 were for drug metabolite.

Statewide DUI Overtime Enforcement Events	FY 2012	FY 2013	FY 2014	Percent Change FY 13 – FY 14
DUI Shifts Worked	2,116	2,306	3,320	+44.0%
Vehicles Stopped	19,313	26,306	36,918	+40.3%
DUI Arrests	972	996	1,296	+30.1%
Vehicles Impounded	915	629	279	-55.6%
Alcohol-Related Arrests*	566	634	1,019	+60.7%
Drug-Related Arrests**	468	489	812	+66.0%
Warrants Served	384	424	645	+52.1%
Other Warnings/Citations	17,425	21,370	32,920	+54.0%
Designated Drivers Observed and Documented			1,195	NA

Source: Utah Department of Public Safety, Highway Safety Office
 *Includes open container (598) and underage/youth alcohol violations (421 – e.g., possession, consumption, attempted purchase, Not a Drop)
 **Felony and misdemeanor (e.g., drug possession)

DUI Arrests by Agency Type

Nearly 55 percent of all DUI arrests in FY 2014 were made by municipal law enforcement agencies, with the Utah Highway Patrol responsible for 33 percent, and county sheriffs' offices responsible for almost 12 percent.

DUI Arrests by Agency Type	FY 2012		FY 2013		FY 2014	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,873	14.4%	1,439	11.8%	1,295	11.9%
City Police/Other	6,586	50.5%	6,542	53.5%	5,978	54.8%
Highway Patrol	4,572	35.1%	4,246	34.7%	3,628	33.3%
TOTAL	13,031	100.0%	12,227	100.0%	10,901	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 constant over the past three years. In FY 2014, 72 percent of arrestees were male and almost 27 percent were female.

DUI Arrests by Gender	FY 2012		FY 2013		FY 2014	
	Number	Percent	Number	Percent	Number	Percent
Male	9,448	72.5%	8,753	71.6%	7,887	72.3%
Female	3,539	27.2%	3,369	27.5%	2,907	26.7%
Unspecified	44	0.3%	105	0.9%	107	1.0%
TOTAL	13,031	100.0%	12,227	100.0%	10,901	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI Arrests by Age

The youngest DUI arrestees in FY 2014 were 14 years old, and the oldest were 82-84 years of age. Nearly 12 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 2012		FY 2013		FY 2014	
	Number	Percent	Number	Percent	Number	Percent
Age Unknown	4	< 0.1%	0	0.0%	0	0.0%
Ages 14-20	1,046	8.0%	1,460	11.9%	1,275	11.7%
Ages 21-24	2,271	17.4%	2,144	17.5%	1,888	17.3%
Ages 25-36	5,275	40.5%	4,838	39.6%	4,213	38.6%
Ages 37-48	2,612	20.0%	2,231	18.3%	2,120	19.4%
Ages 49-84	1,823	14.0%	1,554	12.7%	1,405	13.0%
TOTAL	13,031	100.0%	12,227	100.0%	10,901	100.0%

Source: Utah Department of Public Safety, Driver License Division

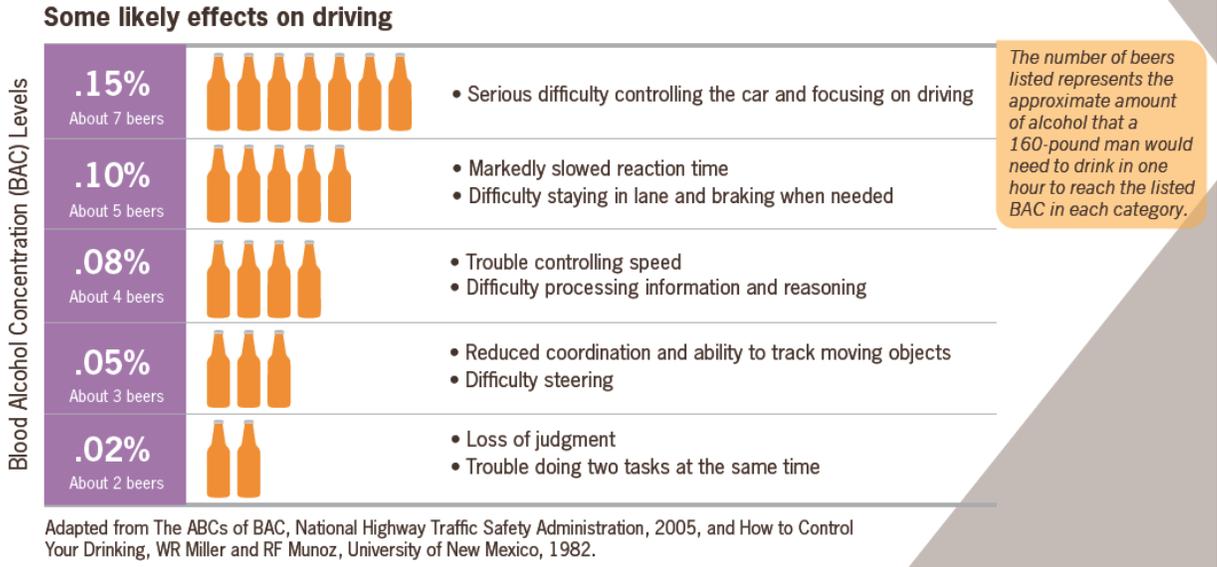
DUI Arrests by Blood/Breath Alcohol Concentration (BAC)

The average BAC in FY 2014 was .14 (median BAC was also .14), the same as in previous years. The highest BAC recorded was .44, *over five times the legal limit!*

DUI Arrests by BAC	FY 2012		FY 2013		FY 2014	
	Number	Percent	Number	Percent	Number	Percent
BAC Results Not Reported	4,929*	37.8%	4,573*	37.4%	4,127*	37.9%
.00 - .07	763	5.9%	528	4.3%	544	5.0%
.08 - .10	1,334	10.2%	1,043	8.5%	1,009	9.3%
.11 - .15	2,457	18.9%	2,160	17.7%	1,875	17.2%
.16 - .20	1,614	12.4%	1,589	13.0%	1,248	11.4%
.21 - .25	729	5.6%	659	5.4%	592	5.4%
.26 - .44	312	2.4%	265	2.2%	276	2.5%
Refused BAC Test	276	2.1%	1,410	11.5%	1,230	11.3%
No Test/Unknown	617	4.7%	Not Available		Not Available	
Drug Only	0	0.0%	Not Available		Not Available	
TOTAL	13,031	100.0%	12,227	100.0%	10,901	100.0%

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).¹



DUI Arrests by Month

As in previous years, DUI arrests remained fairly consistent throughout FY 2014, with an average of 908 arrests per month. The highest number of arrests occurred in August (1,055), with the lowest number of arrests in April (816).

DUI Arrests by Month	FY 2012		FY 2013		FY 2014	
	Number	Percent	Number	Percent	Number	Percent
July	1,309	10.0%	1,055	8.6%	973	8.9%
August	1,086	8.3%	1,052	8.6%	1,055	9.7%
September	1,188	9.1%	1,058	8.6%	932	8.5%
October	1,190	9.1%	956	7.8%	909	8.3%
November	1,019	7.8%	1,041	8.5%	983	9.0%
December	1,065	8.2%	1,138	9.3%	871	8.0%
January	1,016	7.8%	915	7.5%	825	7.6%
February	1,022	7.8%	1,006	8.3%	859	7.9%
March	1,067	8.2%	1,210	9.9%	998	9.2%
April	992	7.6%	862	7.1%	816	7.5%
May	1,052	8.1%	986	8.1%	860	7.9%
June	1,025	7.9%	948	7.7%	820	7.5%
TOTAL	13,031	100.0%	12,227	100.0%	10,901	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 2014 occurred along the Wasatch Front with Weber, Davis, Salt Lake and Utah Counties accounting for nearly 72 percent (7,811) of the total. Salt Lake County had the highest number of arrests with 4,452 (40.8%), while Wayne County had the fewest arrests with one (.01%). The table below also compares the percentage of DUI arrests to the percentage of both total population and vehicle miles traveled in each county.

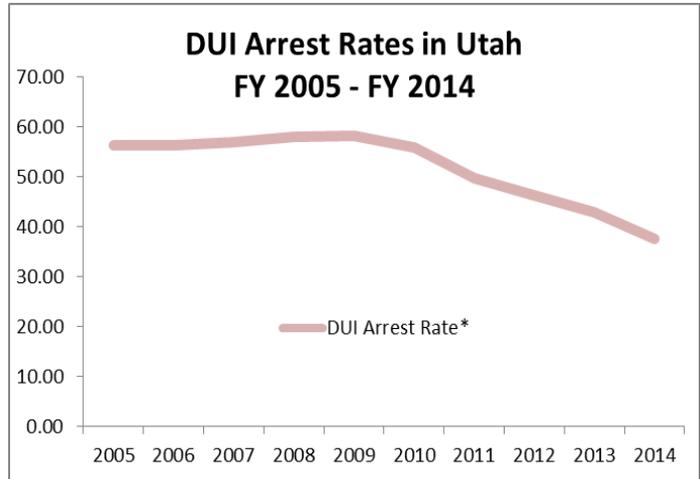
County	DUI Arrests FY 2014		July 1, 2013 Utah Population Estimates		Vehicle Miles Traveled Calendar Year 2013	
	Number	Percent	Number	Percent	Number	Percent
Beaver	49	0.45%	6,459	0.22%	264,273,530	0.98%
Box Elder	130	1.19%	50,794	1.75%	895,366,745	3.31%
Cache	319	2.93%	116,909	4.03%	880,249,558	3.26%
Carbon	65	0.60%	20,988	0.72%	310,210,602	1.15%
Daggett	4	0.04%	1,127	0.04%	30,980,594	0.11%
Davis	819	7.51%	322,094	11.10%	2,538,778,040	9.40%
Duchesne	148	1.36%	20,308	0.70%	278,837,297	1.03%
Emery	68	0.62%	10,749	0.37%	351,741,796	1.30%
Garfield	17	0.16%	5,083	0.18%	108,004,544	0.40%
Grand	93	0.85%	9,360	0.32%	334,853,328	1.24%
Iron	265	2.43%	46,780	1.61%	721,883,152	2.67%
Juab	74	0.68%	10,348	0.36%	391,200,663	1.45%
Kane	58	0.53%	7,260	0.25%	161,183,477	0.60%
Millard	64	0.59%	12,662	0.44%	490,465,889	1.82%
Morgan	18	0.16%	10,173	0.35%	131,337,257	0.49%
Piute	3	0.03%	1,510	0.05%	28,071,707	0.10%
Rich	15	0.14%	2,288	0.08%	49,105,907	0.18%
Salt Lake	4,452	40.84%	1,079,721	37.22%	8,881,223,683	32.88%
San Juan	68	0.62%	14,973	0.52%	312,364,995	1.16%
Sanpete	63	0.58%	28,237	0.97%	210,754,236	0.78%
Sevier	161	1.48%	20,852	0.72%	311,210,506	1.15%
Summit	239	2.19%	38,486	1.33%	745,619,650	2.76%
Tooele	354	3.25%	60,762	2.09%	818,748,872	3.03%
Uintah	247	2.26%	35,555	1.23%	419,416,805	1.55%
Utah	1,526	14.00%	551,891	19.03%	3,956,113,485	14.64%
Wasatch	155	1.42%	26,437	0.91%	333,402,298	1.23%
Washington	412	3.78%	147,800	5.10%	1,405,655,035	5.20%
Wayne	1	0.01%	2,747	0.09%	47,544,289	0.18%
Weber	1,014	9.30%	238,519	8.22%	1,606,147,960	5.95%
TOTAL	10,901	100.00%	2,900,872	100.00%	27,014,745,900	100.00%

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 nearly 36 percent decrease since FY 2009.

Utah DUI Arrests Compared to Population FY 2005 - FY 2014			
Fiscal Year	DUI Arrests	Population as of July 1	DUI Arrest Rate*
2005	13,675	2,430,224	56.27
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



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 2014 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, nearly seven percent were for a third offense, and almost four percent were for a fourth or subsequent offense.

FY 2014 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 st	6,309	712	432	118	23	55	7,649	70.17%
2 nd	1,695	277	27	20	0	66	2,085	19.13%
3 rd	587	134	10	3	1	26	761	6.98%
4 th	186	65	2	1	0	9	263	2.41%
5 th	56	22	1	0	2	1	82	0.75%
6 th	19	11	0	0	0	3	33	0.30%
7 th	11	2	0	0	0	0	13	0.12%
8 th +	7	8	0	0	0	0	15	0.14%
TOTAL	8,870	1,231	472	142	26	160	10,901	100.0%

Source: Utah Department of Public Safety, Driver License Division

DUI-Related Crashes, Injuries and Fatalities

DUI/Alcohol-Related Crashes, Injuries and Fatalities

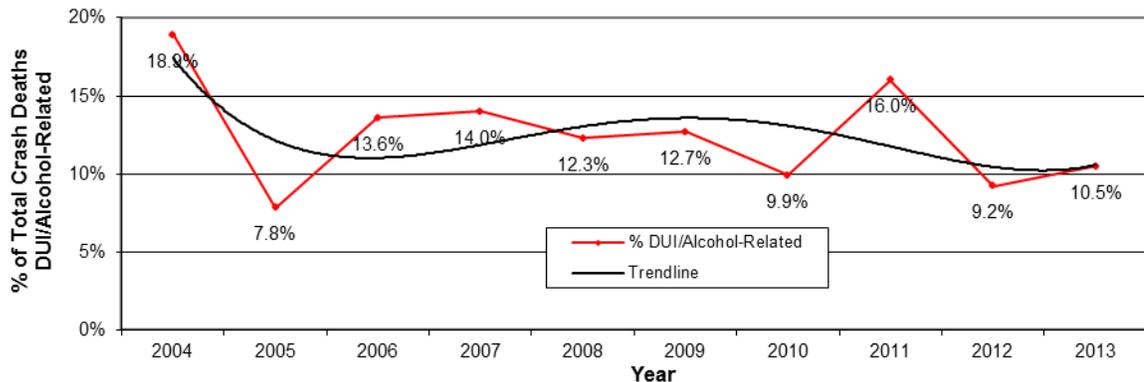
The following table shows the total number of DUI-related vehicle crashes involving alcohol for each calendar year from 2004 to 2013, including the number of persons injured and the number of persons killed as a result of the crashes. The number of DUI-related fatalities involving drivers with a blood alcohol level of .08 or greater in Utah increased 15 percent, from 20 in calendar year 2012 to 23 in calendar year 2013.

DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah, CY 2004-2013									
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
2004	53,905	1,948	3.6%	29,638	1,570	5.3%	296	56	18.9%
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%

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 $\geq .08$.

The figure below illustrates the trend in Utah’s DUI/alcohol-related crash fatalities from calendar years 2004 through 2013.

Percentage of Total Crash Fatalities That Were DUI/Alcohol-Related in Utah, Calendar Years 2004-2013



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 were stimulants (methamphetamine, amphetamine), depressants (anti-anxiety drugs), opiates (hydrocodone), and marijuana. The number of DUI/drug-related fatalities increased nearly 22 percent, from 37 in CY 2012 to 45 in CY 2013. In addition, DUI/drug-related fatalities in CY 2012 and CY 2013 were nearly double the number of DUI/alcohol-related fatalities for the same years.

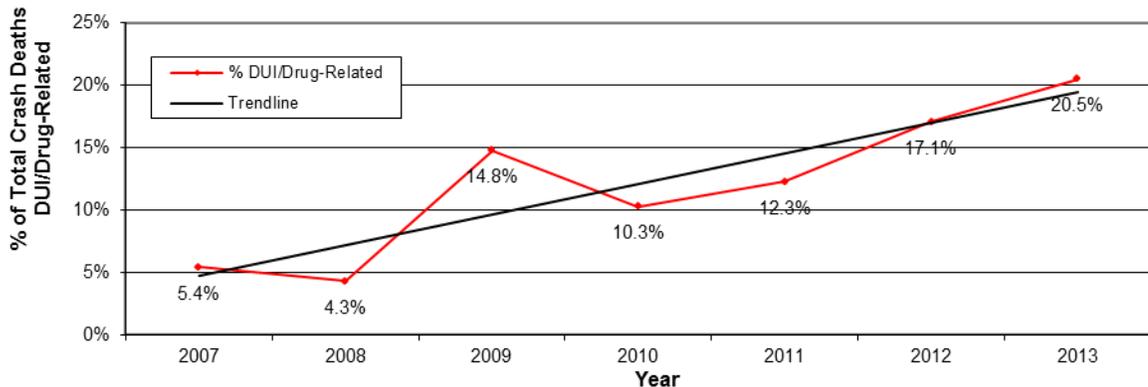
DUI/Drug-Related Crashes, Injuries and Fatalities in Utah, CY 2007-2013									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/ Drug Crashes*	Percent DUI/ Drug	Total Injured Persons	DUI/Drug Injured Persons	Percent DUI/ Drug	Total Crash Fatalities	DUI/Drug Fatalities**	Percent DUI/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

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 2013.

Percentage of Total Crash Fatalities That Were DUI/Drug-Related in Utah, Calendar Years 2007-2013



Source: Utah Department of Public Safety, Highway Safety Office

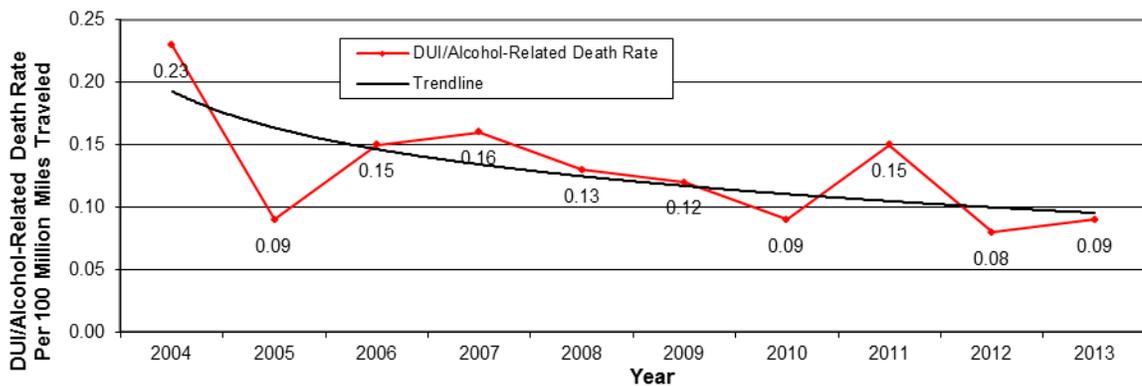
Rates of DUI-Related Fatalities by Population and Vehicle Miles Traveled
 The following table shows the rates of DUI-related fatalities per 10,000 population and per 100 million vehicle miles traveled in Utah, for calendar years 2004 through 2013.

Calendar Year	Rates of DUI-Related Fatalities per 10,000 Population and 100 Million Vehicle Miles Traveled in Utah, Calendar Years 2004-2013				
	DUI-Related Fatalities*	DUI-Related Fatality Rates per 10,000 Population		DUI-Related Fatality Rates per 100 Million Vehicle Miles Traveled	
		Population as of July 1	Rate	Vehicle Miles Traveled	Rate
2004	56	2,430,224	0.23	24,624,791,795	0.23
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

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 rates of DUI-related fatalities in Utah for calendar years 2004 through 2013, per 100 million vehicle miles traveled. From CY 2012 to CY 2013, the DUI-related fatality rate per 100 million vehicle miles traveled increased slightly, from 0.08 to 0.09.

Rate Per 100 Million Vehicle Miles Traveled of DUI-Related Fatalities in Utah, Calendar Years 2004-2013



Source: Utah Department of Public Safety, Highway Safety Office

Use of State Beer Tax Funds for DUI Law Enforcement

The state's beer tax funds have been used to support DUI enforcement, as well as other alcohol-related enforcement, education/prevention and treatment activities. For FY 2014, the Legislature appropriated \$5,463,800 to be distributed from the *Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account* (§32B-2-401) to municipalities and counties statewide on a formula basis.² Funds could be spent in one or more of five general categories: (1) prevention/education; (2) treatment of offenders; (3) law enforcement, including DUI; (4) prosecution of offenders; and (5) confinement of offenders. In order to receive beer tax funds, eligible municipalities and counties must submit an annual plan to the Utah Substance Abuse Advisory (USAAV) Council prior to the beginning of the fiscal year. Municipalities and counties receiving funding are also required to submit an annual report to the USAAV 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. Those that do not submit their reports forfeit their funds for the current fiscal year and the funds are allocated by the USAAV Council to other entities.

With the passage of *H.B. 40 – Beer Excise Tax Revenue Amendments*, the 2014 Legislature amended the beer tax statute as follows (effective July 1, 2014):

- Expanded the scope of the Alcoholic Beverage Enforcement and Treatment Restricted Account to become the ***Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account***.
- Provided that “prevention” shall be defined by rule, by the Division of Substance Abuse and Mental Health, that the definition shall include only evidence-based or evidence-informed programs, and shall provide for coordination with local substance abuse authorities designated to provide substance abuse services.
- Enacted the following intent language:

“It is the intent of the Legislature that the appropriations distributed under this part be used to fund a balanced approach to reducing the harmful effects of substance abuse, over consumption of alcoholic products by adults, and alcohol consumption by minors. To this end, the Legislature encourages municipalities and counties receiving money under this part to use the most effective formula allocation to fund evidence-based and evidence-informed prevention programs.”

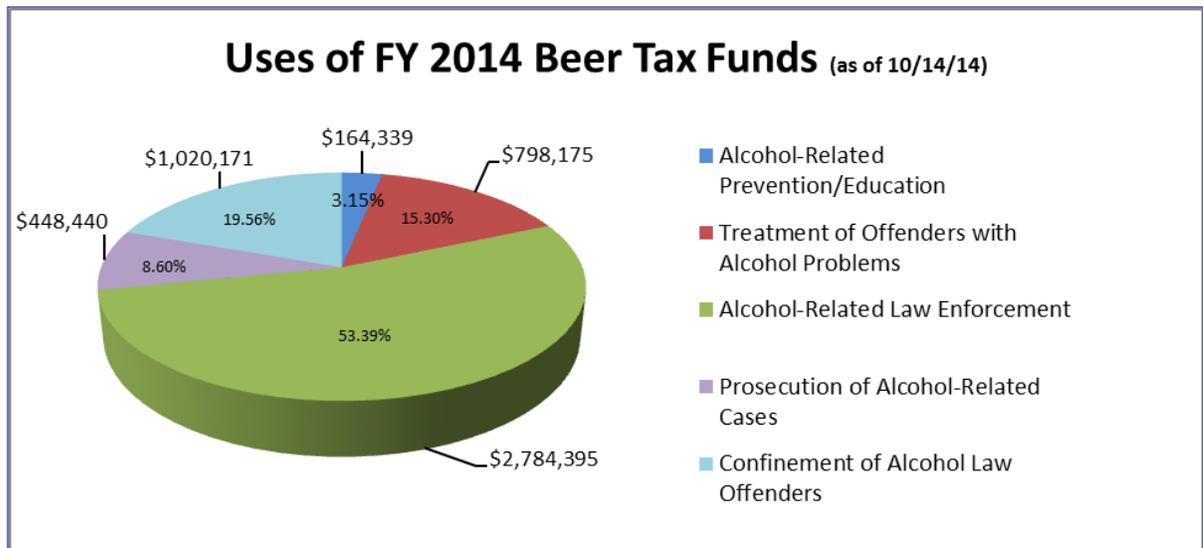
² In accordance with §32B-2-404 (UCA), the State Tax Commission distributes beer tax funds to municipalities and counties in December of each year based upon the following formula: percentage of state population residing in each municipality and county (25%); each municipality's and county's percentage of the statewide convictions for all alcohol-related offenses (30%); the percentage of the following in the state that are located in each municipality and county: state stores, package agencies, retail licensees, and off-premise beer retailers (20%); and for confinement and treatment purposes (for persons arrested for or convicted of offenses in which alcohol is a contributing factor) on the basis of the percentage of the state population located in each county (25% to counties only).

- Directed the Utah Substance Abuse Advisory Council to prepare forms for municipalities and counties to utilize in applying for a distribution of beer tax funds.

The table and figure below show how FY 2014 funds were utilized, including dollars spent for each allowable activity, as reported in the Beer Tax Funds Annual Reports submitted to the USAAV Council.

FY 2014 Beer Tax Funds Reports How Funds Were Used As of 10/14/2014 166 Entities Reporting	Municipalities and Counties Utilizing Beer Tax Funds for Each Activity		Beer Tax Funding Expended for Each Activity	
	Number	Percent ³	Amount	Percent
Alcohol-Related Prevention/Education	34	20.5%	\$164,339.20	3.1%
Treatment of Offenders with Alcohol Problems	10	6.0%	\$798,174.97	15.3%
Alcohol-Related Law Enforcement	129	77.7%	\$2,784,395.23	53.4%
Prosecution of Alcohol-Related Cases	42	25.3%	\$448,439.74	8.6%
Confinement of Alcohol Law Offenders	27	16.3%	\$1,020,171.24	19.6%
Totals			\$5,215,520.38⁴	100.0%

Source: Utah Substance Abuse Advisory Council, FY 2014 Beer Tax Funds Annual Reports



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

⁴ Of the total FY 2014 appropriation of \$5,463,800, a net distribution of \$5,462,156 was allocated via formula to eligible municipalities and counties. The net distribution is determined after the Tax Commission subtracts a fee of \$6 per distribution from the total (\$1,644 in FY 2014). In addition, the total amount of funding actually expended may be less than the amount distributed because some municipalities and counties did not utilize all of their funding during the fiscal year, in which case they may carry it over into the new fiscal year.

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 details the 8,360 DUI cases in the Justice Courts during FY 2014. There were 663 fewer cases than in the previous year, a decrease of more than seven percent. Fifty-seven percent of cases resulted in a guilty plea or verdict, with almost ten 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 2014. In addition, 2,791 cases were still pending resolution at the close of FY 2014.

Justice Court DUI Case Outcomes	FY 2012		FY 2013		FY 2014		% Change FY 13 – FY 14
	Number	Percent	Number	Percent	Number	Percent	
Guilty	5,702	59.4%	5,205	57.7%	4,764	57.0%	-8.5%
Dismissed or Not Guilty	870	9.1%	827	9.2%	805	9.6%	-2.7%
Cases Pending	3,027	31.5%	2,991	33.1%	2,791	33.4%	-6.7%
TOTAL	9,599	100.0%	9,023	100.0%	8,360	100.0%	-7.3%

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 2012, 2013 and 2014, 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 2014 for example, 16 percent of DUI offenders were charged with a second offense, while nearly 19 percent were actually second-time offenders, and 17 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.

Offense	Offense Was Charged As			Offense Was Actually			Offense Was Sentenced As		
	FY 12	FY 13	FY 14	FY 12	FY 13	FY 14	FY 12	FY 13	FY 14
1 st Offense	84.4%	84.7%	80.0%	82.1%	82.2%	80.2%	83.7%	83.6%	82.4%
2 nd Offense	15.3%	15.2%	16.5%	17.0%	16.8%	18.6%	16.0%	16.0%	17.3%
3 rd Offense	0.1%	0.2%	1.5%	0.6%	0.7%	0.8%	0.2%	0.3%	0.2%
4 th Offense	<0.1%	0.0%	1.3%	0.1%	0.2%	0.2%	<0.1%	0.1%	0.1%
5 th or Greater Offense	0.1%	0.0%	0.7%	0.2%	0.1%	0.2%	<0.1%	0.0%	0.0%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

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 2014 judges ordered offenders to participate in an educational series in 2,494 cases, ordered substance use disorder treatment in 2,156 cases, and that ignition interlock devices were ordered in 728 cases.

	FY 2012	FY 2013	FY 2014
Number of Justice Courts Providing Data	119	121	117
Blood/Breath Alcohol Content (BAC) Known	3,621	3,224	3,130
Substance Use Disorder Screening and Assessment	3,794	3,456	3,826
Substance Use Disorder Treatment Ordered	2,409	2,144	2,156
Educational Series Ordered	3,066	2,629	2,494
Ignition Interlock Ordered	831	767	728
Supervised (Non-Court) Probation	1,916	1,760	1,505
Electronic Monitoring	189	214	227
Enhancement Notification	1,113	1,162	1,120

Source: Utah Administrative Office of the Courts

⁵ 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 2,104 DUI cases during FY 2014, 201 fewer than in FY 2013.

DUI in Utah's District Courts	FY 2012	FY 2013	FY 2014	% Change FY 13 – FY 14
District Court Cases Disposed	2,102	2,305	2,104	-8.7%

Source: Utah Administrative Office of the Courts

District Court DUI Case Outcomes

The table below shows case outcomes by Judicial District for the 2,104 DUI cases disposed by Utah's eight District Courts during FY 2014. Nearly 72 percent of the cases resulted in a guilty plea or verdict, and the defendant was found not guilty in only one case. Almost 15 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 2014. Pending cases were not included in the data analysis.

FY 2014 District Court DUI Case Outcomes by Judicial District										
DUI Case Outcomes	Judicial District								Total	Percent
	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th		
Deceased	0	0	0	0	0	0	0	1	1	<0.1%
Declined Prosecution	0	0	0	0	1	0	0	0	1	<0.1%
Dismissed	23	38	89	72	16	23	16	31	308	14.6%
Diversion	0	0	0	0	0	0	0	0	0	0.0%
Guilty	108	284	434	371	77	69	59	104	1,506	71.6%
No Contest	4	5	1	27	1	1	1	0	40	1.9%
Not Guilty	0	0	1	0	0	0	0	0	1	<0.1%
Plea in Abeyance	1	1	3	4	5	8	1	0	23	1.1%
Remanded	0	3	68	4	4	1	0	1	81	3.8%
Transferred	3	2	88	48	0	0	0	2	143	6.8%
TOTAL	139	333	684	526	104	102	77	139	2,104	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 on the following page, which includes data for fiscal years 2012, 2013 and 2014, 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 2014 for example, 28 percent of DUI offenders were charged with a third offense, while 22 percent were actually third-time offenders, and 21 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 2012-2014⁶									
Offense	Offense Was Charged As			Offense Was Actually			Offense Was Sentenced As		
	FY 12	FY 13	FY 14	FY 12	FY 13	FY 14	FY 12	FY 13	FY 14
1 st Offense	46%	49%	50%	47%	52%	50%	52%	56%	56%
2 nd Offense	18%	16%	17%	21%	18%	22%	19%	18%	19%
3 rd Offense	30%	31%	28%	25%	25%	22%	25%	23%	21%
4 th Offense	3%	1%	4%	3%	1%	4%	2%	1%	3%
5 th -10 th Offense	3%	2%	1%	4%	4%	2%	2%	2%	1%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%

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 2014 data for those cases where the values were known. The table shows judges ordered offenders to participate in an educational series in 258 cases, ordered substance use disorder treatment in 616 cases, and that ignition interlock devices were ordered in 265 cases.

District Court DUI Case Information and Sanctions	FY 2012	FY 2013	FY 2014
Blood/Breath Alcohol Content (BAC) Known	462	455	411
Substance Use Disorder Screening and Assessment	623	693	622
Substance Use Disorder Treatment Ordered	613	630	616
Educational Series Ordered	303	308	258
Ignition Interlock Ordered	246	275	265
Supervised (Non-Court) Probation	793	887	830
Electronic Monitoring	101	116	109
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.

⁶ 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 4,464 requested alcohol hearings held in FY 2014. 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 2,293 of the cases, at least one of the parties called in for the hearing.

FY 2014 Alcohol Hearing Statistics						
ACD Code	Total # of Hearings	No Officer	No Officer Telephonic	Other No Action	Total No Action	Total Telephonic
Per Se	3,826	793	228	512	1,305	1,972
Not a Drop	147	32	8	11	43	84
Refusal	491	84	25	40	124	237
TOTAL	4,464	909	261	563	1,472	2,293

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.⁷ The following table shows the orders for substance use disorder screening and assessment by the District and Justice Courts in FY 2014, for those cases where the values were known.

Substance Use Disorder Screening and Assessment Ordered by the Courts	FY 2012	FY 2013	FY 2014
Justice Courts	3,794	3,456	3,826
District Courts	623	693	622

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

⁷ 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.”⁸ 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.”⁹

The following table shows the orders for the educational series by the Justice and District Courts in FY 2014, for those cases where values were known.

Educational Series Ordered by the Courts	FY 2012	FY 2013	FY 2014
Justice Courts	3,066	2,629	2,494
District Courts	303	308	258

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.”¹⁰ 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 2014, for those cases where the values were known.

Substance Use Disorder Treatment Ordered by the Courts	FY 2012	FY 2013	FY 2014
Justice Court	2,409	2,144	2,156
District Court	613	630	616

Source: Utah Administrative Office of the Courts

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

⁹Stafford, 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.

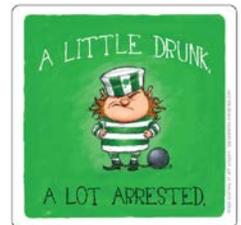
¹⁰ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

Impaired Driving Media Campaign
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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 often committed and deadliest crimes. <http://drivesober.org/>



UTAH DUI SENTENCING MATRIX

(Current as of May 13, 2014)

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 48 hours electronic home confinement ²	SHALL order: 240 consecutive hours OR 240 hours compensatory service OR 240 hours electronic home confinement ²	SHALL order: 0-5 year prison term OR 1,500 hours jail (62.5 days) OR 1,500 hours electronic home confinement ²
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$40 court security fee	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$40 court security fee	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$40 court security fee, unless a 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 ankle attached continuous transdermal alcohol monitoring device 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 ankle attached continuous transdermal alcohol monitoring device 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 ankle attached continuous transdermal alcohol monitoring device 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)	<p>If 21 or older: 120 days</p> <p>If 19-20: Longer of one year or until 21st birthday</p> <p>If under 19: Until 21st birthday</p> <p>Early License Reinstatement for Drivers Under 21: 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>If 21 or older: 2 years</p> <p>If 19-20: Longer of 2 years or until 21st birthday</p> <p>If under 19: Until 21st birthday</p>
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	<p>If 21 or older: 120 days</p> <p>If 19-20: Longer of one year or until 21st birthday</p> <p>If under 19: Until 21st birthday</p> <p>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.</p>	<p>If 21 or older: 2 years</p> <p>If 19-20: Longer of two years or until 21st birthday</p> <p>If under 19: Until 21st birthday</p>
Refusal of Chemical Test (§41-6a-521)	<p>If 21 or older: 18 months</p> <p>If under 21: Longer of 2 years or until 21st birthday</p>	<p>If 21 or older: 36 months</p> <p>If under 21: Longer of 36 months or until 21st birthday</p>
Per se Arrest (§53-3-223) <small>≥ .08 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system</small>	<p>If 21 or older: 120 days</p> <p>If under 21: 6 months</p>	<p>If 21 or older: 2 years</p> <p>If under 21: Longer of 2 years or until 21st birthday</p>
Not A Drop (§53-3-231) <small>A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body</small>	<p>If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months</p>	<p>If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday</p>
Failure to Install or Removal of Ignition Interlock Device (§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>	
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) <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>	
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) <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>	



Utah Commission
on Criminal and
Juvenile Justice

CCJJ

Utah State Capitol Complex
Senate Office Building, Suite 330
P.O. Box 142330
Salt Lake City, Utah 84114-2330
Phone: 801-538-1031 • Fax: 801-538-1024
<http://justice.utah.gov>