

Superseded 4/1/2014

76-9-701 Intoxication -- Release of arrested person or placement in detoxification center.

- (1) A person is guilty of intoxication if the person is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger the person or another, in a public place or in a private place where the person unreasonably disturbs other persons.
- (2)
 - (a) A peace officer or a magistrate may release from custody a person arrested under this section if the peace officer or magistrate believes imprisonment is unnecessary for the protection of the person or another.
 - (b) A peace officer may take the arrested person to a detoxification center or other special facility as an alternative to incarceration or release from custody.
- (3) If a minor is found by a court to have violated this section and the violation is the minor's second or subsequent violation of this section, the court:
 - (a) shall order the minor to participate in an educational series as defined in Section 41-6a-501; and
 - (b) may order the minor to participate in a screening as defined in Section 41-6a-501.
- (4)
 - (a) When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated this section, the court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.
 - (b) Notwithstanding the requirement in Subsection (4)(a), the court may reduce the suspension period required under Section 53-3-219 if:
 - (i) the violation is the minor's first violation of this section; and
 - (ii) the minor completes an educational series as defined in Section 41-6a-501.
- (5) When a person who is at least 13 years old, but younger than 18 years old, is found by a court to have violated this section, the provisions regarding suspension of the driver's license under Section 78A-6-606 apply to the violation.
- (6) When the court issues an order suspending a person's driving privileges for a violation of this section, the person's driver license shall be suspended under Section 53-3-219.
- (7) An offense under this section is a class C misdemeanor.