

Representative Edward H. Redd proposes the following substitute bill:

**MINOR ALCOHOL OR DRUG RELATED OFFENSES AND
DRIVING PRIVILEGES**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Edward H. Redd

Senate Sponsor: Scott K. Jenkins

LONG TITLE

General Description:

This bill modifies provisions relating to sentencing requirements for certain alcohol or drug related offenses.

Highlighted Provisions:

This bill:

- ▶ authorizes a court to order a screening, an assessment, and an educational series or substance abuse treatment if found appropriate by the screening or assessment for a first violation of certain alcohol or drug related offenses committed by minors;

- ▶ requires a court to order a screening, an assessment, and an educational series or substance abuse treatment if found appropriate by the screening or assessment for a second or subsequent violation of certain alcohol or drug related offenses committed by minors;

- ▶ authorizes a court to reduce a driver license suspension period for certain alcohol or drug related offenses committed by minors;

- ▶ amends the requirements for a court to reduce a driver license suspension period for certain alcohol or drug related offenses committed by minors; and

- ▶ makes conforming and technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **32B-4-409**, as last amended by Laws of Utah 2014, Chapter 314

33 **32B-4-410**, as last amended by Laws of Utah 2014, Chapter 314

34 **32B-4-411**, as enacted by Laws of Utah 2010, Chapter 276

35 **53-3-220**, as last amended by Laws of Utah 2010, Chapters 276 and 374

36 **58-37-8**, as last amended by Laws of Utah 2014, Chapters 19 and 51

37 **76-9-701**, as last amended by Laws of Utah 2014, Chapter 314

38 **78A-6-606**, as last amended by Laws of Utah 2014, Chapter 314

39 ENACTS:

40 **58-37a-7**, Utah Code Annotated 1953

41 **58-37b-9**, Utah Code Annotated 1953



43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **32B-4-409** is amended to read:

45 **32B-4-409. Unlawful purchase, possession, consumption by minor -- Measurable**
46 **amounts in body.**

47 (1) Unless specifically authorized by this title, it is unlawful for a minor to:

48 (a) purchase an alcoholic product;

49 (b) attempt to purchase an alcoholic product;

50 (c) solicit another person to purchase an alcoholic product;

51 (d) possess an alcoholic product;

52 (e) consume an alcoholic product; or

53 (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

54 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic
55 product for a minor for:

56 (a) a minor to misrepresent the minor's age; or

57 (b) any other person to misrepresent the age of a minor.

58 (3) It is unlawful for a minor to possess or consume an alcoholic product while riding
59 in a limousine or chartered bus.

60 (4) (a) If a minor is found by a court to have violated this section and the violation is
61 the minor's [~~second or subsequent~~] first violation of this section, the court may:

62 [~~(a) shall order the minor to participate in an educational series as defined in Section~~
63 ~~41-6a-501; and]~~

64 [~~(b) may order the minor to participate in a screening as defined in Section 41-6a-501.]~~

65 (i) order the minor to complete a screening as defined in Section 41-6a-501;

66 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
67 screening indicates an assessment to be appropriate; and

68 (iii) order the minor to complete an educational series as defined in Section 41-6a-501
69 or substance abuse treatment as indicated by an assessment.

70 (b) If a minor is found by a court to have violated this section and the violation is the
71 minor's second or subsequent violation of this section, the court shall:

72 (i) order the minor to complete a screening as defined in Section 41-6a-501;

73 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
74 screening indicates an assessment to be appropriate; and

75 (iii) order the minor to complete an educational series as defined in Section 41-6a-501
76 or substance abuse treatment as indicated by an assessment.

77 (5) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
78 found by a court to have violated this section, except as provided in Section 32B-4-411, the
79 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

80 (b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the
81 suspension period required under Section 53-3-219 if:

82 (i) the violation is the minor's first violation of this section; and

83 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501[.];

84 or

85 (B) the minor demonstrates substantial progress in substance abuse treatment.

86 (c) Notwithstanding the requirement in Subsection (5)(a) and in accordance with the
87 requirements of Section 53-3-219, the court may reduce the suspension period required under

88 Section 53-3-219 if:

89 (i) the violation is the minor's second or subsequent violation of this section; [~~and~~]

90 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
91 demonstrated substantial progress in substance abuse treatment; and

92 [~~(i)~~] (iii) (A) the person is 18 years of age or older and provides a sworn statement to
93 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
94 consecutive period during the suspension period imposed under Subsection (5)(a); or

95 (B) the person is under 18 years of age and has the person's parent or legal guardian
96 provide an affidavit or sworn statement to the court certifying that to the parent or legal
97 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
98 one-year consecutive period during the suspension period imposed under Subsection (5)(a).

99 (6) When a minor who is at least 13 years old, but younger than 18 years old, is found
100 by the court to have violated this section, Section 78A-6-606 applies to the violation.

101 (7) When a court issues an order suspending a person's driving privileges for a
102 violation of this section, the Driver License Division shall suspend the person's license under
103 Section 53-3-219.

104 (8) When the Department of Public Safety receives the arrest or conviction record of a
105 person for a driving offense committed while the person's license is suspended pursuant to this
106 section, the Department of Public Safety shall extend the suspension for an additional like
107 period of time.

108 (9) This section does not apply to a minor's consumption of an alcoholic product in
109 accordance with this title:

110 (a) for medicinal purposes if:

111 (i) the minor is at least 18 years old; or

112 (ii) the alcoholic product is furnished by:

113 (A) the parent or guardian of the minor; or

114 (B) the minor's health care practitioner, if the health care practitioner is authorized by
115 law to write a prescription; or

116 (b) as part of a religious organization's religious services.

117 Section 2. Section 32B-4-410 is amended to read:

118 **32B-4-410. Unlawful admittance or attempt to gain admittance by minor.**

119 (1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the
120 premises of:

121 (a) a tavern; or

122 (b) a social club licensee, except to the extent authorized by Section 32B-6-406.1.

123 (2) A minor who violates this section is guilty of a class C misdemeanor.

124 (3) (a) If a minor is found by a court to have violated this section and the violation is
125 the minor's ~~[second or subsequent]~~ first violation of this section, the court may:

126 ~~[(a) shall order the minor to participate in an educational series as defined in Section~~
127 ~~41-6a-501; and]~~

128 ~~[(b) may order the minor to participate in a screening as defined in Section 41-6a-501.]~~

129 (i) order the minor to complete a screening as defined in Section 41-6a-501;

130 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
131 screening indicates an assessment to be appropriate; and

132 (iii) order the minor to complete an educational series as defined in Section 41-6a-501
133 or substance abuse treatment as indicated by an assessment.

134 (b) If a minor is found by a court to have violated this section and the violation is the
135 minor's second or subsequent violation of this section, the court shall:

136 (i) order the minor to complete a screening as defined in Section 41-6a-501;

137 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
138 screening indicates an assessment to be appropriate; and

139 (iii) order the minor to complete an educational series as defined in Section 41-6a-501
140 or substance abuse treatment as indicated by an assessment.

141 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
142 found by a court to have violated this section, except as provided in Section 32B-4-411, the
143 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

144 (b) Notwithstanding the provision in Subsection (4)(a), the court may reduce the
145 suspension period required under Section 53-3-219 if:

146 (i) the violation is the minor's first violation of this section; and

147 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501[-];

148 or

149 (B) the minor demonstrates substantial progress in substance abuse treatment.

150 (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the
151 requirements of Section 53-3-219, the court may reduce the suspension period required under
152 Section 53-3-219 if:

153 (i) the violation is the minor's second or subsequent violation of this section; ~~and~~
154 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
155 demonstrated substantial progress in substance abuse treatment; and

156 ~~[(ii)]~~ (iii) (A) the person is 18 years of age or older and provides a sworn statement to
157 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
158 consecutive period during the suspension period imposed under Subsection (4)(a); or

159 (B) the person is under 18 years of age and has the person's parent or legal guardian
160 provide an affidavit or sworn statement to the court certifying that to the parent or legal
161 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
162 one-year consecutive period during the suspension period imposed under Subsection (4)(a).

163 (5) When a minor who is at least 13 years old, but younger than 18 years old, is found
164 by a court to have violated this section, Section 78A-6-606 applies to the violation.

165 (6) When a court issues an order suspending a person's driving privileges for a
166 violation of this section, the Driver License Division shall suspend the person's license under
167 Section 53-3-219.

168 (7) When the Department of Public Safety receives the arrest or conviction record of a
169 person for a driving offense committed while the person's license is suspended pursuant to this
170 section, the Department of Public Safety shall extend the suspension for an additional like
171 period of time.

172 Section 3. Section 32B-4-411 is amended to read:

173 **32B-4-411. Minor's unlawful use of proof of age.**

174 (1) As used in this section, "proof of age violation" means a violation by a minor of:

175 (a) Chapter 1, Part 4, Proof of Age Act; or

176 (b) if as part of the violation the minor uses a proof of age in violation of Chapter 1,
177 Part 4, Proof of Age Act:

178 (i) Section 32B-4-409; or

179 (ii) Section 32B-4-410.

180 (2) If a court finds a minor engaged in a proof of age violation, notwithstanding the

181 penalties provided for in Subsection (1):

182 (a) (i) for a first violation, the minor is guilty of a class B misdemeanor;

183 (ii) for a second violation, the minor is guilty of a class A misdemeanor; and

184 (iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor,

185 except that the court may impose:

186 (A) a fine of up to \$5,000;

187 (B) screening, assessment, or substance abuse treatment, as defined in Section

188 [41-6a-501](#);

189 (C) an educational series, as defined in Section [41-6a-501](#);

190 (D) alcoholic product related community service or compensatory service work

191 program hours;

192 (E) fees for restitution and treatment costs;

193 (F) defensive driver education courses; or

194 (G) a combination of these penalties; and

195 (b) (i) for a minor who is at least 13 years old, but younger than 18 years old:

196 (A) the court shall forward to the Driver License Division a record of an adjudication
197 under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under this section; and

198 (B) the provisions regarding suspension of a driver license under Section [78A-6-606](#)

199 apply; and

200 (ii) for a minor who is at least 18 years old, but younger than 21 years old:

201 (A) the court shall forward to the Driver License Division a record of conviction for a
202 violation under this section; and

203 (B) the Driver License Division shall suspend the person's license under Section

204 [53-3-220](#).

205 (3) (a) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the
206 suspension period under Subsection [53-3-220\(1\)\(e\)](#) or [78A-6-606\(2\)\(d\)](#) if:

207 (i) the violation is the minor's first violation of Section [32B-4-411](#); and

208 (ii) (A) the minor completes an educational series as defined in Section [41-6a-501](#); or

209 (B) the minor demonstrates substantial progress in substance abuse treatment.

210 (b) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the

211 suspension period under Subsection [53-3-220\(1\)\(e\)](#) or [78A-6-606\(2\)\(d\)](#) if:

212 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;
213 (ii) the person has completed an educational series as defined in Section 41-6a-501 or
214 demonstrated substantial progress in substance abuse treatment; and

215 (iii) (A) the person is 18 years of age or older and provides a sworn statement to the
216 court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
217 consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or
218 78A-6-606(2)(d); or

219 (B) the minor is under 18 years of age and has the minor's parent or legal guardian
220 provide an affidavit or sworn statement to the court certifying that to the parent or legal
221 guardian's knowledge the minor has not unlawfully consumed alcohol or drugs for at least a
222 one-year consecutive period during the suspension period imposed under Subsection
223 53-3-220(1)(e) or 78A-6-606(2)(d).

224 [~~3~~] (4) When the Department of Public Safety receives the arrest or conviction record
225 of an individual for a driving offense committed while the individual's license is suspended
226 pursuant to this section, the Department of Public Safety shall extend the suspension for an
227 additional like period of time.

228 [~~4~~] (5) A court may not fail to enter a judgment of conviction under this section under
229 a plea in abeyance agreement.

230 Section 4. Section 53-3-220 is amended to read:

231 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
232 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
233 **Limited driving privileges.**

234 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
235 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or
236 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
237 receiving a record of the person's conviction for:

238 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
239 automobile homicide under Section 76-5-207 or 76-5-207.5;

240 (ii) driving or being in actual physical control of a motor vehicle while under the
241 influence of alcohol, any drug, or combination of them to a degree that renders the person
242 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited

243 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

244 (iii) driving or being in actual physical control of a motor vehicle while having a blood
245 or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance
246 that complies with the requirements of Subsection 41-6a-510(1);

247 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
248 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
249 regulating driving on highways;

250 (v) any felony under the motor vehicle laws of this state;

251 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

252 (vii) failure to stop and render aid as required under the laws of this state if a motor
253 vehicle accident results in the death or personal injury of another;

254 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
255 driving and impaired driving committed within a period of 12 months; but if upon a first
256 conviction of reckless driving or impaired driving the judge or justice recommends suspension
257 of the convicted person's license, the division may after a hearing suspend the license for a
258 period of three months;

259 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
260 required in Section 41-6a-210;

261 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
262 requires disqualification;

263 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
264 allowing the discharge of a firearm from a vehicle;

265 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
266 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);

267 (xiii) operating or being in actual physical control of a motor vehicle while having any
268 measurable controlled substance or metabolite of a controlled substance in the person's body in
269 violation of Section 41-6a-517;

270 (xiv) until July 30, 2015, operating or being in actual physical control of a motor
271 vehicle while having any alcohol in the person's body in violation of Section 53-3-232;

272 (xv) operating or being in actual physical control of a motor vehicle while having any
273 measurable or detectable amount of alcohol in the person's body in violation of Section

274 41-6a-530;

275 (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
276 violation of Section 41-6a-606;

277 (xvii) operating or being in actual physical control of a motor vehicle in this state
278 without an ignition interlock system in violation of Section 41-6a-518.2; or

279 (xviii) custodial interference, under:

280 (A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless
281 the court provides the division with an order of suspension for a shorter period of time;

282 (B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless
283 the court provides the division with an order of suspension for a shorter period of time; or

284 (C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless
285 the court provides the division with an order of suspension for a shorter period of time.

286 (b) The division shall immediately revoke the license of a person upon receiving a
287 record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:

288 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
289 allowing the discharge of a firearm from a vehicle; or

290 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
291 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

292 (c) Except when action is taken under Section 53-3-219 for the same offense, the
293 division shall immediately suspend for six months the license of a person upon receiving a
294 record of conviction for:

295 (i) any violation of:

296 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

297 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

298 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

299 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

300 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

301 (ii) any criminal offense that prohibits:

302 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
303 that is prohibited under the acts described in Subsection (1)(c)(i); or

304 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or

305 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

306 (d) (i) The division shall immediately suspend a person's driver license for conviction
307 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:

308 (A) an order from the sentencing court requiring that the person's driver license be
309 suspended; and

310 (B) a record of the conviction.

311 (ii) An order of suspension under this section is at the discretion of the sentencing
312 court, and may not be for more than 90 days for each offense.

313 (e) (i) The division shall immediately suspend for one year the license of a person upon
314 receiving a record of:

315 (A) conviction for the first time for a violation under Section 32B-4-411; or

316 (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a
317 violation under Section 32B-4-411.

318 (ii) The division shall immediately suspend for a period of two years the license of a
319 person upon receiving a record of:

320 (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and

321 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior
322 conviction for a violation under Section 32B-4-411; or

323 (B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court
324 Act of 1996, for a violation under Section 32B-4-411; and

325 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior
326 adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under
327 Section 32B-4-411.

328 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

329 (A) for a conviction or adjudication described in Subsection (1)(e)(i):

330 (I) impose a suspension for one year beginning on the date of conviction; or

331 (II) if the person is under the age of eligibility for a driver license, impose a suspension
332 that begins on the date of conviction and continues for one year beginning on the date of
333 eligibility for a driver license; or

334 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):

335 (I) impose a suspension for a period of two years; or

336 (II) if the person is under the age of eligibility for a driver license, impose a suspension
337 that begins on the date of conviction and continues for two years beginning on the date of
338 eligibility for a driver license.

339 (iv) Upon receipt of the first order suspending a person's driving privileges under
340 Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if
341 ordered by the court in accordance with Subsection 32B-4-411(3)(a).

342 (v) Upon receipt of the second or subsequent order suspending a person's driving
343 privileges under Section 32B-4-411, the division shall reduce the suspension period under
344 Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).

345 (2) The division shall extend the period of the first denial, suspension, revocation, or
346 disqualification for an additional like period, to a maximum of one year for each subsequent
347 occurrence, upon receiving:

348 (a) a record of the conviction of any person on a charge of driving a motor vehicle
349 while the person's license is denied, suspended, revoked, or disqualified;

350 (b) a record of a conviction of the person for any violation of the motor vehicle law in
351 which the person was involved as a driver;

352 (c) a report of an arrest of the person for any violation of the motor vehicle law in
353 which the person was involved as a driver; or

354 (d) a report of an accident in which the person was involved as a driver.

355 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
356 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
357 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,
358 or revocation originally imposed under Section 53-3-221.

359 (4) (a) The division may extend to a person the limited privilege of driving a motor
360 vehicle to and from the person's place of employment or within other specified limits on
361 recommendation of the judge in any case where a person is convicted of any of the offenses
362 referred to in Subsections (1) and (2) except:

363 (i) automobile homicide under Subsection (1)(a)(i);

364 (ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and
365 (1)(c); and

366 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,

367 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
368 41-6a-517, a local ordinance which complies with the requirements of Subsection
369 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
370 was charged with violating as a result of a plea bargain after having been originally charged
371 with violating one or more of these sections or ordinances, unless:

372 (A) the person has had the period of the first denial, suspension, revocation, or
373 disqualification extended for a period of at least three years;

374 (B) the division receives written verification from the person's primary care physician
375 that:

376 (I) to the physician's knowledge the person has not used any narcotic drug or other
377 controlled substance except as prescribed by a licensed medical practitioner within the last
378 three years; and

379 (II) the physician is not aware of any physical, emotional, or mental impairment that
380 would affect the person's ability to operate a motor vehicle safely; and

381 (C) for a period of one year prior to the date of the request for a limited driving
382 privilege:

383 (I) the person has not been convicted of a violation of any motor vehicle law in which
384 the person was involved as the operator of the vehicle;

385 (II) the division has not received a report of an arrest for a violation of any motor
386 vehicle law in which the person was involved as the operator of the vehicle; and

387 (III) the division has not received a report of an accident in which the person was
388 involved as an operator of a vehicle.

389 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
390 authorized in this Subsection (4):

391 (A) is limited to when undue hardship would result from a failure to grant the
392 privilege; and

393 (B) may be granted only once to any person during any single period of denial,
394 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
395 or disqualification.

396 (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

397 (A) is limited to when the limited privilege is necessary for the person to commute to

398 school or work; and

399 (B) may be granted only once to any person during any single period of denial,
400 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
401 or disqualification.

402 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
403 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
404 denied under this chapter.

405 Section 5. Section **58-37-8** is amended to read:

406 **58-37-8. Prohibited acts -- Penalties.**

407 (1) Prohibited acts A -- Penalties:

408 (a) Except as authorized by this chapter, it is unlawful for any person to knowingly and
409 intentionally:

410 (i) produce, manufacture, or dispense, or to possess with intent to produce,
411 manufacture, or dispense, a controlled or counterfeit substance;

412 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or
413 arrange to distribute a controlled or counterfeit substance;

414 (iii) possess a controlled or counterfeit substance with intent to distribute; or

415 (iv) engage in a continuing criminal enterprise where:

416 (A) the person participates, directs, or engages in conduct which results in any
417 violation of any provision of Title 58, Chapters 37, 37a, 37b, 37c, or 37d that is a felony; and

418 (B) the violation is a part of a continuing series of two or more violations of Title 58,
419 Chapters 37, 37a, 37b, 37c, or 37d on separate occasions that are undertaken in concert with
420 five or more persons with respect to whom the person occupies a position of organizer,
421 supervisor, or any other position of management.

422 (b) Any person convicted of violating Subsection (1)(a) with respect to:

423 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a controlled
424 substance analog, or gammahydroxybutyric acid as listed in Schedule III is guilty of a second
425 degree felony and upon a second or subsequent conviction is guilty of a first degree felony;

426 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or
427 marijuana, or a substance listed in Section [58-37-4.2](#) is guilty of a third degree felony, and
428 upon a second or subsequent conviction is guilty of a second degree felony; or

429 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a
430 class A misdemeanor and upon a second or subsequent conviction is guilty of a third degree
431 felony.

432 (c) Any person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii)
433 may be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier
434 of fact finds a firearm as defined in Section 76-10-501 was used, carried, or possessed on his
435 person or in his immediate possession during the commission or in furtherance of the offense,
436 the court shall additionally sentence the person convicted for a term of one year to run
437 consecutively and not concurrently; and the court may additionally sentence the person
438 convicted for an indeterminate term not to exceed five years to run consecutively and not
439 concurrently.

440 (d) Any person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree
441 felony punishable by imprisonment for an indeterminate term of not less than seven years and
442 which may be for life. Imposition or execution of the sentence may not be suspended, and the
443 person is not eligible for probation.

444 (2) Prohibited acts B -- Penalties:

445 (a) It is unlawful:

446 (i) for any person knowingly and intentionally to possess or use a controlled substance
447 analog or a controlled substance, unless it was obtained under a valid prescription or order,
448 directly from a practitioner while acting in the course of the person's professional practice, or as
449 otherwise authorized by this chapter;

450 (ii) for any owner, tenant, licensee, or person in control of any building, room,
451 tenement, vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to
452 be occupied by persons unlawfully possessing, using, or distributing controlled substances in
453 any of those locations; or

454 (iii) for any person knowingly and intentionally to possess an altered or forged
455 prescription or written order for a controlled substance.

456 (b) Any person convicted of violating Subsection (2)(a)(i) with respect to:

457 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony;

458 (ii) a substance classified in Schedule I or II, marijuana, if the amount is more than 16
459 ounces, but less than 100 pounds, or a controlled substance analog, is guilty of a third degree

460 felony; or

461 (iii) marijuana, if the marijuana is not in the form of an extracted resin from any part of
462 the plant, and the amount is more than one ounce but less than 16 ounces, is guilty of a class A
463 misdemeanor.

464 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a
465 conviction under Subsection (1)(a), that person shall be sentenced to a one degree greater
466 penalty than provided in this Subsection (2).

467 (d) Any person who violates Subsection (2)(a)(i) with respect to all other controlled
468 substances not included in Subsection (2)(b)(i), (ii), or (iii), including a substance listed in
469 Section 58-37-4.2, or less than one ounce of marijuana, is guilty of a class B misdemeanor.
470 Upon a second conviction the person is guilty of a class A misdemeanor, and upon a third or
471 subsequent conviction the person is guilty of a third degree felony.

472 (e) Any person convicted of violating Subsection (2)(a)(i) while inside the exterior
473 boundaries of property occupied by any correctional facility as defined in Section 64-13-1 or
474 any public jail or other place of confinement shall be sentenced to a penalty one degree greater
475 than provided in Subsection (2)(b), and if the conviction is with respect to controlled
476 substances as listed in:

477 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an
478 indeterminate term as provided by law, and:

479 (A) the court shall additionally sentence the person convicted to a term of one year to
480 run consecutively and not concurrently; and

481 (B) the court may additionally sentence the person convicted for an indeterminate term
482 not to exceed five years to run consecutively and not concurrently; and

483 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an
484 indeterminate term as provided by law, and the court shall additionally sentence the person
485 convicted to a term of six months to run consecutively and not concurrently.

486 (f) Any person convicted of violating Subsection (2)(a)(ii) or(iii) is:

487 (i) on a first conviction, guilty of a class B misdemeanor;

488 (ii) on a second conviction, guilty of a class A misdemeanor; and

489 (iii) on a third or subsequent conviction, guilty of a third degree felony.

490 (g) A person is subject to the penalties under Subsection (2)(h) who, in an offense not

491 amounting to a violation of Section 76-5-207:

492 (i) violates Subsection (2)(a)(i) by knowingly and intentionally having in the person's
493 body any measurable amount of a controlled substance; and

494 (ii) operates a motor vehicle as defined in Section 76-5-207 in a negligent manner,
495 causing serious bodily injury as defined in Section 76-1-601 or the death of another.

496 (h) A person who violates Subsection (2)(g) by having in the person's body:

497 (i) a controlled substance classified under Schedule I, other than those described in
498 Subsection (2)(h)(ii), or a controlled substance classified under Schedule II is guilty of a second
499 degree felony;

500 (ii) marijuana, tetrahydrocannabinols, or equivalents described in Subsection
501 58-37-4(2)(a)(iii)(S) or (AA), or a substance listed in Section 58-37-4.2 is guilty of a third
502 degree felony; or

503 (iii) any controlled substance classified under Schedules III, IV, or V is guilty of a class
504 A misdemeanor.

505 (i) A person is guilty of a separate offense for each victim suffering serious bodily
506 injury or death as a result of the person's negligent driving in violation of Subsection
507 58-37-8(2)(g) whether or not the injuries arise from the same episode of driving.

508 (3) Prohibited acts C -- Penalties:

509 (a) It is unlawful for any person knowingly and intentionally:

510 (i) to use in the course of the manufacture or distribution of a controlled substance a
511 license number which is fictitious, revoked, suspended, or issued to another person or, for the
512 purpose of obtaining a controlled substance, to assume the title of, or represent oneself to be, a
513 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized
514 person;

515 (ii) to acquire or obtain possession of, to procure or attempt to procure the
516 administration of, to obtain a prescription for, to prescribe or dispense to any person known to
517 be attempting to acquire or obtain possession of, or to procure the administration of any
518 controlled substance by misrepresentation or failure by the person to disclose receiving any
519 controlled substance from another source, fraud, forgery, deception, subterfuge, alteration of a
520 prescription or written order for a controlled substance, or the use of a false name or address;

521 (iii) to make any false or forged prescription or written order for a controlled substance,

522 or to utter the same, or to alter any prescription or written order issued or written under the
523 terms of this chapter; or

524 (iv) to make, distribute, or possess any punch, die, plate, stone, or other thing designed
525 to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or
526 device of another or any likeness of any of the foregoing upon any drug or container or labeling
527 so as to render any drug a counterfeit controlled substance.

528 (b) Any person convicted of violating Subsection (3)(a) is guilty of a third degree
529 felony.

530 (4) Prohibited acts D -- Penalties:

531 (a) Notwithstanding other provisions of this section, a person not authorized under this
532 chapter who commits any act declared to be unlawful under this section, Title 58, Chapter 37a,
533 Utah Drug Paraphernalia Act, or under Title 58, Chapter 37b, Imitation Controlled Substances
534 Act, is upon conviction subject to the penalties and classifications under this Subsection (4) if
535 the trier of fact finds the act is committed:

536 (i) in a public or private elementary or secondary school or on the grounds of any of
537 those schools;

538 (ii) in a public or private vocational school or postsecondary institution or on the
539 grounds of any of those schools or institutions;

540 (iii) in those portions of any building, park, stadium, or other structure or grounds
541 which are, at the time of the act, being used for an activity sponsored by or through a school or
542 institution under Subsections (4)(a)(i) and (ii);

543 (iv) in or on the grounds of a preschool or child-care facility;

544 (v) in a public park, amusement park, arcade, or recreation center;

545 (vi) in or on the grounds of a house of worship as defined in Section [76-10-501](#);

546 (vii) in a shopping mall, sports facility, stadium, arena, theater, movie house,
547 playhouse, or parking lot or structure adjacent thereto;

548 (viii) in or on the grounds of a library;

549 (ix) within any area that is within 1,000 feet of any structure, facility, or grounds
550 included in Subsections (4)(a)(i), (ii), (iv), (vi), and (vii);

551 (x) in the presence of a person younger than 18 years of age, regardless of where the act
552 occurs; or

553 (xi) for the purpose of facilitating, arranging, or causing the transport, delivery, or
554 distribution of a substance in violation of this section to an inmate or on the grounds of any
555 correctional facility as defined in Section 76-8-311.3.

556 (b) (i) A person convicted under this Subsection (4) is guilty of a first degree felony
557 and shall be imprisoned for a term of not less than five years if the penalty that would
558 otherwise have been established but for this Subsection (4) would have been a first degree
559 felony.

560 (ii) Imposition or execution of the sentence may not be suspended, and the person is
561 not eligible for probation.

562 (c) If the classification that would otherwise have been established would have been
563 less than a first degree felony but for this Subsection (4), a person convicted under this
564 Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that
565 offense. This Subsection (4)(c) does not apply to a violation of Subsection (2)(g).

566 (d) (i) If the violation is of Subsection (4)(a)(xi):

567 (A) the person may be sentenced to imprisonment for an indeterminate term as
568 provided by law, and the court shall additionally sentence the person convicted for a term of
569 one year to run consecutively and not concurrently; and

570 (B) the court may additionally sentence the person convicted for an indeterminate term
571 not to exceed five years to run consecutively and not concurrently; and

572 (ii) the penalties under this Subsection (4)(d) apply also to any person who, acting with
573 the mental state required for the commission of an offense, directly or indirectly solicits,
574 requests, commands, coerces, encourages, or intentionally aids another person to commit a
575 violation of Subsection (4)(a)(xi).

576 (e) It is not a defense to a prosecution under this Subsection (4) that the actor
577 mistakenly believed the individual to be 18 years of age or older at the time of the offense or
578 was unaware of the individual's true age; nor that the actor mistakenly believed that the
579 location where the act occurred was not as described in Subsection (4)(a) or was unaware that
580 the location where the act occurred was as described in Subsection (4)(a).

581 (5) Any violation of this chapter for which no penalty is specified is a class B
582 misdemeanor.

583 (6) For purposes of penalty enhancement under Subsections (1)(b) and (2)(c), a plea of

584 guilty or no contest to a violation of this section which is held in abeyance under Title 77,
585 Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been
586 subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

587 (7) A person may be charged and sentenced for a violation of this section,
588 notwithstanding a charge and sentence for a violation of any other section of this chapter.

589 (8) (a) Any penalty imposed for violation of this section is in addition to, and not in
590 lieu of, any civil or administrative penalty or sanction authorized by law.

591 (b) Where violation of this chapter violates a federal law or the law of another state,
592 conviction or acquittal under federal law or the law of another state for the same act is a bar to
593 prosecution in this state.

594 (9) In any prosecution for a violation of this chapter, evidence or proof which shows a
595 person or persons produced, manufactured, possessed, distributed, or dispensed a controlled
596 substance or substances, is prima facie evidence that the person or persons did so with
597 knowledge of the character of the substance or substances.

598 (10) This section does not prohibit a veterinarian, in good faith and in the course of the
599 veterinarian's professional practice only and not for humans, from prescribing, dispensing, or
600 administering controlled substances or from causing the substances to be administered by an
601 assistant or orderly under the veterinarian's direction and supervision.

602 (11) Civil or criminal liability may not be imposed under this section on:

603 (a) any person registered under this chapter who manufactures, distributes, or possesses
604 an imitation controlled substance for use as a placebo or investigational new drug by a
605 registered practitioner in the ordinary course of professional practice or research; or

606 (b) any law enforcement officer acting in the course and legitimate scope of the
607 officer's employment.

608 (12) (a) Civil or criminal liability may not be imposed under this section on any Indian,
609 as defined in Subsection 58-37-2(1)(v), who uses, possesses, or transports peyote for bona fide
610 traditional ceremonial purposes in connection with the practice of a traditional Indian religion
611 as defined in Subsection 58-37-2(1)(w).

612 (b) In a prosecution alleging violation of this section regarding peyote as defined in
613 Subsection 58-37-4(2)(a)(iii)(V), it is an affirmative defense that the peyote was used,
614 possessed, or transported by an Indian for bona fide traditional ceremonial purposes in

615 connection with the practice of a traditional Indian religion.

616 (c) (i) The defendant shall provide written notice of intent to claim an affirmative
617 defense under this Subsection (12) as soon as practicable, but not later than 10 days prior to
618 trial.

619 (ii) The notice shall include the specific claims of the affirmative defense.

620 (iii) The court may waive the notice requirement in the interest of justice for good
621 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

622 (d) The defendant shall establish the affirmative defense under this Subsection (12) by
623 a preponderance of the evidence. If the defense is established, it is a complete defense to the
624 charges.

625 (13) (a) It is an affirmative defense that the person produced, possessed, or
626 administered a controlled substance listed in Section 58-37-4.2 if the person:

627 (i) was engaged in medical research; and

628 (ii) was a holder of a valid license to possess controlled substances under Section
629 58-37-6.

630 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed
631 a controlled substance listed in Section 58-37-4.2.

632 (14) It is an affirmative defense that the person possessed, in the person's body, a
633 controlled substance listed in Section 58-37-4.2 if:

634 (a) the person was the subject of medical research conducted by a holder of a valid
635 license to possess controlled substances under Section 58-37-6; and

636 (b) the substance was administered to the person by the medical researcher.

637 (15) The application of any increase in penalty under this section to a violation of
638 Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony. This
639 Subsection (15) takes precedence over any conflicting provision of this section.

640 (16) (a) It is an affirmative defense to an allegation of the commission of an offense
641 listed in Subsection (16)(b) that the person:

642 (i) reasonably believes that the person or another person is experiencing an overdose
643 event due to the ingestion, injection, inhalation, or other introduction into the human body of a
644 controlled substance or other substance;

645 (ii) reports in good faith the overdose event to a medical provider, an emergency

646 medical service provider as defined in Section 26-8a-102, a law enforcement officer, a 911
647 emergency call system, or an emergency dispatch system, or the person is the subject of a
648 report made under this Subsection (16);

649 (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the
650 actual location of the overdose event that facilitates responding to the person experiencing the
651 overdose event;

652 (iv) remains at the location of the person experiencing the overdose event until a
653 responding law enforcement officer or emergency medical service provider arrives, or remains
654 at the medical care facility where the person experiencing an overdose event is located until a
655 responding law enforcement officer arrives;

656 (v) cooperates with the responding medical provider, emergency medical service
657 provider, and law enforcement officer, including providing information regarding the person
658 experiencing the overdose event and any substances the person may have injected, inhaled, or
659 otherwise introduced into the person's body; and

660 (vi) is alleged to have committed the offense in the same course of events from which
661 the reported overdose arose.

662 (b) The offenses referred to in Subsection (16)(a) are:

663 (i) the possession or use of less than 16 ounces of marijuana;

664 (ii) the possession or use of a scheduled or listed controlled substance other than
665 marijuana; and

666 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,
667 Imitation Controlled Substances Act.

668 (c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not
669 include seeking medical assistance under this section during the course of a law enforcement
670 agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.

671 (17) If any provision of this chapter, or the application of any provision to any person
672 or circumstances, is held invalid, the remainder of this chapter shall be given effect without the
673 invalid provision or application.

674 (18) A legislative body of a political subdivision may not enact an ordinance that is
675 less restrictive than any provision of this chapter.

676 (19) (a) If a minor who is under 18 years of age is found by a court to have violated this

677 section and the violation is the minor's first violation of this section, the court may:

678 (i) order the minor to complete a screening as defined in Section [41-6a-501](#);

679 (ii) order the minor to complete an assessment as defined in Section [41-6a-501](#) if the
680 screening indicates an assessment to be appropriate; and

681 (iii) order the minor to complete an educational series as defined in Section [41-6a-501](#)
682 or substance abuse treatment as indicated by an assessment.

683 (b) If a minor who is under 18 years of age is found by a court to have violated this
684 section and the violation is the minor's second or subsequent violation of this section, the court
685 shall:

686 (i) order the minor to complete a screening as defined in Section [41-6a-501](#);

687 (ii) order the minor to complete an assessment as defined in Section [41-6a-501](#) if the
688 screening indicates an assessment to be appropriate; and

689 (iii) order the minor to complete an educational series as defined in Section [41-6a-501](#)
690 or substance abuse treatment as indicated by an assessment.

691 Section 6. Section **58-37a-7** is enacted to read:

692 **58-37a-7. Sentencing requirements for minors.**

693 (1) If a minor who is under 18 years of age is found by a court to have violated this
694 chapter and the violation is the minor's first violation of this chapter, the court may:

695 (a) order the minor to complete a screening as defined in Section [41-6a-501](#);

696 (b) order the minor to complete an assessment as defined in Section [41-6a-501](#) if the
697 screening indicates an assessment to be appropriate; and

698 (c) order the minor to complete an educational series as defined in Section [41-6a-501](#)
699 or substance abuse treatment as indicated by an assessment.

700 (2) If a minor who is under 18 years of age is found by a court to have violated this
701 chapter and the violation is the minor's second or subsequent violation of this chapter, the court
702 shall:

703 (a) order the minor to complete a screening as defined in Section [41-6a-501](#);

704 (b) order the minor to complete an assessment as defined in Section [41-6a-501](#) if the
705 screening indicates an assessment to be appropriate; and

706 (c) order the minor to complete an educational series as defined in Section [41-6a-501](#)
707 or substance abuse treatment as indicated by an assessment.

708 Section 7. Section 58-37b-9 is enacted to read:

709 **58-37b-9. Sentencing requirements for minors.**

710 (1) If a minor who is under 18 years of age is found by a court to have violated this
711 chapter and the violation is the minor's first violation of this chapter, the court may:

712 (a) order the minor to complete a screening as defined in Section 41-6a-501;

713 (b) order the minor to complete an assessment as defined in Section 41-6a-501 if the
714 screening indicates an assessment to be appropriate; and

715 (c) order the minor to complete an educational series as defined in Section 41-6a-501
716 or substance abuse treatment as indicated by an assessment.

717 (2) If a minor is found by a court to have violated this chapter and the violation is the
718 minor's second or subsequent violation of this chapter, the court shall:

719 (a) order the minor to complete a screening as defined in Section 41-6a-501;

720 (b) order the minor to complete an assessment as defined in Section 41-6a-501 if the
721 screening indicates an assessment to be appropriate; and

722 (c) order the minor to complete an educational series as defined in Section 41-6a-501
723 or substance abuse treatment as indicated by an assessment.

724 Section 8. Section 76-9-701 is amended to read:

725 **76-9-701. Intoxication -- Release of arrested person or placement in detoxification**
726 **center.**

727 (1) A person is guilty of intoxication if the person is under the influence of alcohol, a
728 controlled substance, or any substance having the property of releasing toxic vapors, to a
729 degree that the person may endanger the person or another, in a public place or in a private
730 place where the person unreasonably disturbs other persons.

731 (2) (a) A peace officer or a magistrate may release from custody a person arrested
732 under this section if the peace officer or magistrate believes imprisonment is unnecessary for
733 the protection of the person or another.

734 (b) A peace officer may take the arrested person to a detoxification center or other
735 special facility as an alternative to incarceration or release from custody.

736 (3) (a) If a minor is found by a court to have violated this section and the violation is
737 the minor's ~~[second or subsequent]~~ first violation of this section, the court may:

738 ~~[(a) shall order the minor to participate in an educational series as defined in Section~~

739 ~~41-6a-501; and]~~
740 ~~[(b) may order the minor to participate in a screening as defined in Section 41-6a-501.]~~
741 (i) order the minor to complete a screening as defined in Section 41-6a-501;
742 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
743 screening indicates an assessment to be appropriate; and
744 (iii) order the minor to complete an educational series as defined in Section 41-6a-501
745 or substance abuse treatment as indicated by an assessment.
746 (b) If a minor is found by a court to have violated this section and the violation is the
747 minor's second or subsequent violation of this section, the court shall:
748 (i) order the minor to complete a screening as defined in Section 41-6a-501;
749 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
750 screening indicates an assessment to be appropriate; and
751 (iii) order the minor to complete an educational series as defined in Section 41-6a-501
752 or substance abuse treatment as indicated by an assessment.
753 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
754 found by a court to have violated this section, the court hearing the case shall suspend the
755 minor's driving privileges under Section 53-3-219.
756 (b) Notwithstanding the requirement in Subsection (4)(a), the court may reduce the
757 suspension period required under Section 53-3-219 if:
758 (i) the violation is the minor's first violation of this section; and
759 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501[-];
760 or
761 (B) the minor demonstrates substantial progress in substance abuse treatment.
762 (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the
763 requirements of Section 53-3-219, the court may reduce the suspension period required under
764 Section 53-3-219 if:
765 (i) the violation is the minor's second or subsequent violation of this section; ~~and]~~
766 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
767 demonstrated substantial progress in substance abuse treatment; and
768 ~~[(ii)]~~ (iii) (A) the person is 18 years of age or older and provides a sworn statement to
769 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year

770 consecutive period during the suspension period imposed under Subsection (4)(a); or

771 (B) the person is under 18 years of age and has the person's parent or legal guardian
772 provide an affidavit or sworn statement to the court certifying that to the parent or legal
773 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
774 one-year consecutive period during the suspension period imposed under Subsection (4)(a).

775 (5) When a person who is at least 13 years old, but younger than 18 years old, is found
776 by a court to have violated this section, the provisions regarding suspension of the driver's
777 license under Section 78A-6-606 apply to the violation.

778 (6) When the court issues an order suspending a person's driving privileges for a
779 violation of this section, the person's driver license shall be suspended under Section 53-3-219.

780 (7) An offense under this section is a class C misdemeanor.

781 Section 9. Section **78A-6-606** is amended to read:

782 **78A-6-606. Suspension of license for certain offenses.**

783 (1) This section applies to a minor who is at least 13 years of age when found by the
784 court to be within its jurisdiction by the commission of an offense under:

785 (a) Section 32B-4-409;

786 (b) Section 32B-4-410;

787 (c) Section 32B-4-411;

788 (d) Section 58-37-8;

789 (e) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

790 (f) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

791 (g) Subsection 76-9-701(1).

792 (2) If the court hearing the case determines that the minor committed an offense under
793 Section 58-37-8 or Title 58, Chapter 37a or 37b, the court shall prepare and send to the Driver
794 License Division of the Department of Public Safety an order to suspend that minor's driving
795 privileges.

796 (3) (a) The court hearing the case shall suspend the minor's driving privileges if~~[(i)]~~
797 the minor violated Section 32B-4-409, Section 32B-4-410, or Subsection 76-9-701(1)~~[-and]~~.

798 ~~[(ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,~~
799 ~~2009.]~~

800 (b) Notwithstanding the requirement in Subsection (2) or (3)(a), the court may reduce

801 the suspension period required under Section [53-3-219](#) if:

802 (i) the violation is the minor's first violation of:

803 (A) Section [32B-4-409](#)[-];

804 (B) Section [32B-4-410](#)[-];

805 (C) Section [58-37-8](#);

806 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

807 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

808 (F) Subsection [76-9-701](#)(1); and

809 (ii) (A) the minor completes an educational series as defined in Section [41-6a-501](#)[-];

810 or

811 (B) the minor demonstrates substantial progress in substance abuse treatment.

812 (c) Notwithstanding the requirement in Subsection (2) or (3)(a) and in accordance with

813 the requirements of Section [53-3-219](#), the court may reduce the suspension period required

814 under Section [53-3-219](#) if:

815 (i) the violation is the minor's second or subsequent violation of:

816 (A) Section [32B-4-409](#)[-];

817 (B) Section [32B-4-410](#)[-];

818 (C) Section [58-37-8](#);

819 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

820 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

821 (F) Subsection [76-9-701](#)(1); ~~and~~

822 (ii) the minor has completed an educational series as defined in Section [41-6a-501](#) or

823 demonstrated substantial progress in substance abuse treatment; and

824 ~~[(ii)]~~ (iii) (A) the person is 18 years of age or older and provides a sworn statement to

825 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year

826 consecutive period during the suspension period imposed under Subsection (3)(a); or

827 (B) the person is under 18 years of age and has the person's parent or legal guardian

828 provide an affidavit or sworn statement to the court certifying that to the parent or legal

829 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a

830 one-year consecutive period during the suspension period imposed under Subsection (3)(a).

831 (d) If a minor commits a proof of age violation, as defined in Section [32B-4-411](#):

832 (i) the court shall forward a record of adjudication to the Department of Public Safety
833 for a first or subsequent violation; and

834 (ii) the minor's driving privileges will be suspended:

835 (A) for a period of at least one year under Section 53-3-220 for a first conviction for a
836 violation of Section 32B-4-411; or

837 (B) for a period of two years for a second or subsequent conviction for a violation of
838 Section 32B-4-411.

839 (e) Notwithstanding the requirement in Subsection (3)(d), the court may reduce the
840 suspension period imposed under Subsection (3)(d)(ii)(A) if:

841 (i) the violation is the minor's first violation of Section 32B-4-411; and

842 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or

843 (B) the minor demonstrates substantial progress in substance abuse treatment.

844 (f) Notwithstanding the requirement in Subsection (3)(d), the court may reduce the
845 suspension period imposed under Subsection (3)(d)(ii)(B) if:

846 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;

847 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
848 demonstrated substantial progress in substance abuse treatment; and

849 (iii) (A) the person is 18 years of age or older and provides a sworn statement to the
850 court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
851 consecutive period during the suspension period imposed under Subsection (3)(d)(ii)(B); or

852 (B) the person is under 18 years of age and has the person's parent or legal guardian
853 provide an affidavit or sworn statement to the court certifying that to the parent or legal
854 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
855 one-year consecutive period during the suspension period imposed under Subsection
856 (3)(d)(ii)(B).

857 (4) A minor's license shall be suspended under Section 53-3-219 when a court issues
858 an order suspending the minor's driving privileges for a violation of:

859 (a) Section 32B-4-409;

860 (b) Section 32B-4-410;

861 (c) Section 58-37-8;

862 (d) Title 58, Chapter 37a or 37b; or

863 (e) Subsection 76-9-701(1).

864 (5) When the Department of Public Safety receives the arrest or conviction record of a
865 person for a driving offense committed while the person's license is suspended under this
866 section, the Department of Public Safety shall extend the suspension for a like period of time.