

DUI Sentencing Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Andrew Stoddard

LONG TITLE

General Description:

This bill addresses DUI sentencing.

Highlighted Provisions:

This bill:

- clarifies that a veterans treatment court program is a problem solving court an individual may participate in or successfully complete that allows a court to shorten or suspend the individual's suspension or revocation of the individual's license due to a DUI conviction;
- and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-509, as last amended by Laws of Utah 2024, Chapter 106

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

Section 1. Section **41-6a-509** is amended to read:

41-6a-509 . Driver license suspension or revocation for a driving under the influence violation.

(1)(a) The Driver License Division shall, if the person is 21 years old or older at the time of arrest:

- (i) suspend for a period of 120 days the operator's license of a person convicted for the first time under Section 41-6a-502 or 76-5-102.1; or

- (ii) revoke for a period of two years the license of a person if:
- (A) the person has a prior conviction as defined under Subsection 41-6a-501(2);
 - and
 - (B) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period of 10 years from the date of the prior violation.
- (b)(i) If a person elects to become an interlock restricted driver under Subsection 53-3-223(10)(a), the Driver License Division may not suspend the operator's license for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the person fails to complete 120 days of the interlock restriction.
- (ii) If a person elects to become an interlock restricted driver under Subsection 53-3-223(10)(a), and the person fails to complete the full 120 days of interlock restriction, the Driver License Division:
- (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a period of 120 days from the date the ignition interlock system was removed from the vehicle; and
 - (B) may not reduce the 120-day suspension for any days the person was compliant with the interlock restriction under Subsection 53-3-223(10)(a).
- (c)(i) If a person elects to become an interlock restricted driver under Subsection 41-6a-521(7), the Driver License Division may not suspend the operator's license for a violation of Section 41-6a-502 as described in Subsection (1)(a)(i) unless the person fails to complete three years of the interlock restriction under Subsection 41-6a-521(7).
- (ii) If a person elects to become an interlock restricted driver under Subsection 41-6a-521(7), and the person fails to complete the full three years of interlock restriction, the Driver License Division:
- (A) shall suspend the operator's license as described in Subsection (1)(a)(i) for a period of 120 days from the date the ignition interlock system was removed from the vehicle; and
 - (B) may not reduce the 120-day suspension for any days the person was compliant with the interlock restriction under Subsection 41-6a-521(7).
- (2) The Driver License Division shall, if the person is 19 years old or older but under 21 years old at the time of arrest:
- (a) suspend the person's driver license until the person is 21 years old or for a period of one year, whichever is longer, if the person is convicted for the first time of a

- 63 violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 of an offense that was
64 committed on or after July 1, 2011;
- 65 (b) deny the person's application for a license or learner's permit until the person is 21
66 years old or for a period of one year, whichever is longer, if the person:
- 67 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
68 or 76-5-207 of an offense committed on or after July 1, 2011; and
- 69 (ii) has not been issued an operator license;
- 70 (c) revoke the person's driver license until the person is 21 years old or for a period of
71 two years, whichever is longer, if:
- 72 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
73 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
74 committed within a period of 10 years from the date of the prior violation; or
- 75 (d) deny the person's application for a license or learner's permit until the person is 21
76 years old or for a period of two years, whichever is longer, if:
- 77 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
78 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
79 committed within a period of 10 years from the date of the prior violation; and
80 (iii) the person has not been issued an operator license.
- 81 (3) The Driver License Division shall, if the person is under 19 years old at the time of
82 arrest:
- 83 (a) suspend the person's driver license until the person is 21 years old if the person is
84 convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1, or
85 76-5-207;
- 86 (b) deny the person's application for a license or learner's permit until the person is 21
87 years old if the person:
- 88 (i) is convicted for the first time of a violation under Section 41-6a-502, 76-5-102.1,
89 or 76-5-207; and
- 90 (ii) has not been issued an operator license;
- 91 (c) revoke the person's driver license until the person is 21 years old if:
- 92 (i) the person has a prior conviction as defined under Subsection 41-6a-501(2); and
93 (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is
94 committed within a period of 10 years from the date of the prior violation; or
- 95 (d) deny the person's application for a license or learner's permit until the person is 21
96 years old if:

- (i) the person has a prior conviction as defined under Subsection 41-6a-501(2);
- (ii) the current violation under Section 41-6a-502, 76-5-102.1, or 76-5-207 is committed within a period of 10 years from the date of the prior violation; and
- (iii) the person has not been issued an operator license.

(4) The Driver License Division shall suspend or revoke the license of a person as ordered by the court under Subsection (9).

(5) The Driver License Division shall subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based.

(6) If a conviction recorded as impaired driving is amended to a driving under the influence conviction under Section 41-6a-502, 76-5-102.1, or 76-5-207 in accordance with Subsection 41-6a-502.5(3)(a)(ii), the Driver License Division:

- (a) may not subtract from any suspension or revocation any time for which a license was previously suspended or revoked under Section 53-3-223 or 53-3-231; and
- (b) shall start the suspension or revocation time under Subsection (1) on the date of the amended conviction.

(7) A court that reported a conviction of a violation of Section 41-6a-502, 76-5-102.1, or 76-5-207 for a violation that occurred on or after July 1, 2009, to the Driver License Division may shorten the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b) prior to completion of the suspension period if the person:

- (a) completes at least six months of the license suspension;
- (b) completes a screening;
- (c) completes an assessment, if it is found appropriate by a screening under Subsection (7)(b);
- (d) completes substance abuse treatment if it is found appropriate by the assessment under Subsection (7)(c);
- (e) completes an educational series if substance abuse treatment is not required by an assessment under Subsection (7)(c) or the court does not order substance abuse treatment;
- (f) has not been convicted of a violation of any motor vehicle law in which the person was involved as the operator of the vehicle during the suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b);
- (g) has complied with all the terms of the person's probation or all orders of the court if

- 131 not ordered to probation; and
- 132 (h)(i) is 18 years old or older and provides a sworn statement to the court that the
- 133 person has not unlawfully consumed alcohol during the suspension period
- 134 imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or (b); or
- 135 (ii) is under 18 years old and has the person's parent or legal guardian provide an
- 136 affidavit or sworn statement to the court certifying that to the parent or legal
- 137 guardian's knowledge the person has not unlawfully consumed alcohol during the
- 138 suspension period imposed under Subsection (2)(a) or (b) or Subsection (3)(a) or
- 139 (b).
- 140 (8) If the court shortens a person's license suspension period in accordance with the
- 141 requirements of Subsection (7), the court shall forward the order shortening the person's
- 142 suspension period to the Driver License Division in a manner specified by the division
- 143 prior to the completion of the suspension period imposed under Subsection (2)(a) or (b)
- 144 or Subsection (3)(a) or (b).
- 145 (9)(a)(i) In addition to any other penalties provided in this section, a court may order
- 146 the operator's license of a person who is convicted of a violation of Section
- 147 41-6a-502, 76-5-102.1, or 76-5-207 to be suspended or revoked for an additional
- 148 period of 90 days, 120 days, 180 days, one year, or two years to remove from the
- 149 highways those persons who have shown they are safety hazards.
- 150 (ii) The additional suspension or revocation period provided in this Subsection (9)
- 151 shall begin the date on which the individual would be eligible to reinstate the
- 152 individual's driving privilege for a violation of Section 41-6a-502, 76-5-102.1, or
- 153 76-5-207.
- 154 (b) If the court suspends or revokes the person's license under this Subsection (9), the
- 155 court shall prepare and send to the Driver License Division an order to suspend or
- 156 revoke that person's driving privileges for a specified period of time.
- 157 (10)(a) The court shall notify the Driver License Division if a person fails to complete
- 158 all court ordered:
- 159 (i) screenings;
- 160 (ii) assessments;
- 161 (iii) educational series;
- 162 (iv) substance abuse treatment; and
- 163 (v) hours of work in a compensatory-service work program.
- 164 (b) Subject to Subsection 53-3-218(3), upon receiving the notification described in

Subsection (10)(a), the division shall suspend the person's driving privilege in accordance with Subsection 53-3-221(2).

(11)(a) A court that reported a conviction of a violation of Section 41-6a-502 to the Driver License Division may shorten the suspension or revocation period imposed under Subsection (1) before completion of the suspension or revocation period if the person:

(i) is participating in or has successfully completed a 24-7 sobriety program as defined in Section 41-6a-515.5;

(ii)(A) is participating in or has successfully completed a problem solving court program approved by the Judicial Council, including a driving under the influence court program~~[or]~~, a drug court program, or a veterans treatment court program; and

(B) has elected to become an interlock restricted driver as a condition of probation during the remainder of the person's suspension or revocation period in accordance with Section 41-6a-518; or

(iii) has had their operator license suspended under Subsection (1)(a)(i), and the court does not have a problem solving court program approved by the Judicial Council or access to a 24-7 sobriety program as defined in Section 41-6a-515.5, if the person:

(A) has installed an ignition interlock device in any vehicle owned or driven by the person in accordance with Section 53-3-1007; and

(B) did not inflict bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.

(b) If a court shortens a person's license suspension or revocation period in accordance with the requirements of this Subsection (11), the court shall forward the order shortening the person's suspension or revocation period to the Driver License Division in a manner specified by the division.

(c) The court shall notify the Driver License Division, in a manner specified by the Driver License Division, if a person fails to complete or comply with a condition that allowed the court to shorten the person's license suspension or revocation period under Subsection (11)(a).

(d)(i)(A) Upon receiving the notification described in Subsection (11)(c), for a first offense, the division shall suspend the person's driving privilege for a period of 120 days from the date of notice.

(B) For a suspension described under Subsection (11)(d)(i)(A), no days shall be subtracted from the 120-day suspension period for which a driving privilege was previously suspended under this section or Section 53-3-223, if the previous suspension was based on the same occurrence upon which the conviction under Section 41-6a-502 is based.

(ii)(A) Upon receiving the notification described in Subsection (11)(c), for a second or subsequent offense, the division shall revoke the person's driving privilege for a period of two years from the date of notice.

(B) For a license revocation described in Subsection (11)(d)(ii)(A), no days shall be subtracted from the two-year revocation period for which a driving privilege was previously revoked under this section or Section 53-3-223, if the previous revocation was based on the same occurrence upon which the conviction under Section 41-6a-502 is based.

Section 2. **Effective Date.**

This bill takes effect on May 7, 2025.