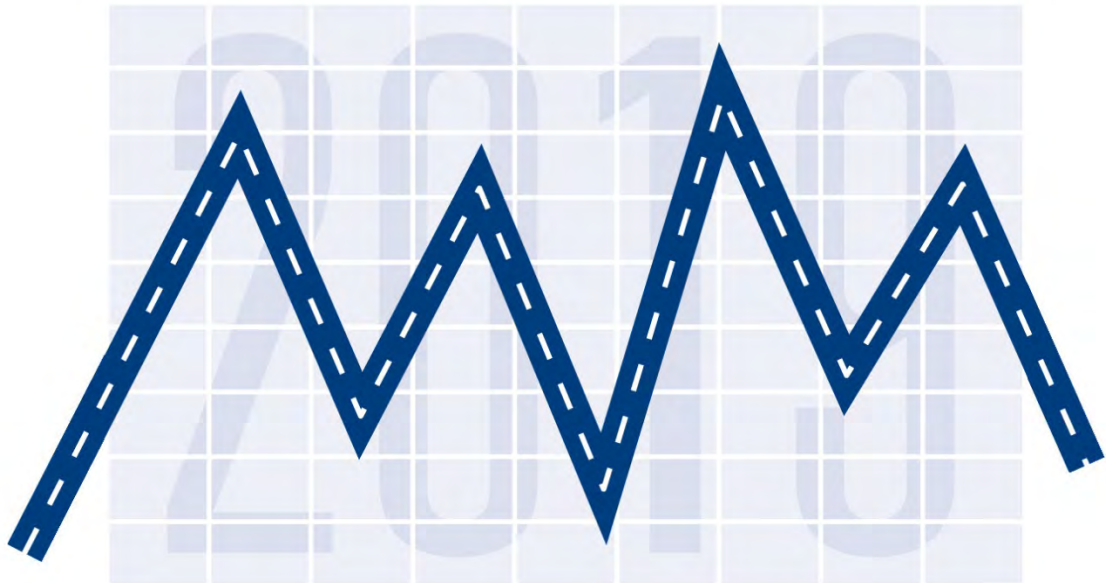


2019



UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

17th Annual DUI Report to the Utah Legislature



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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; the Utah Department of Public Safety's Highway Patrol, Driver License Division, and Highway Safety Office; and the Utah State Data Center.

Special thanks to Marty Asay, Kim Gibb, Robyn LaLumia, Melissa Lawrence, Heather Marshall, Lynda Reinstein, Jill Sorensen, David Walsh, and Tara Zamora for their contributions and assistance in preparing this report.

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Statistical Note: Data in this report are current as of October 1, 2019, unless otherwise noted. Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.

Profile of a Typical Utah DUI Offender in FY 2019

Arrested for a *per se* violation (79%)

Driver had a .08 (.05 as of December 30, 2018) 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



Arrested by a municipal law enforcement officer (57%)



Male (71%)



Age 25-36 (37%)



Had a blood/breath alcohol concentration (BAC) between .11-.15



Arrested on the Wasatch Front in Weber, Davis, Salt Lake or Utah County (70%)



First-time arrestee (71%)



Convicted of DUI
(78% in Justice Court; 80% in District Court)

Executive Summary

DUI in Utah: CY 2018 / FY 2019

Law Enforcement: DUI-Related Arrests & Enforcement Activities

- 9,995 DUI-related arrests were made in FY 2019, 388 fewer (-4%) than in FY 2018.
- Utah's DUI-related arrest rate (31.6 per 10,000 population) has declined steadily over the past 10 years, with a nearly 44% decrease since FY 2010 (associated with 5,290 fewer arrests in FY 2019 than there were in FY 2010), even as the population has markedly increased in the same time (16% increase in statewide population).
- The majority of arrests occurred along the Wasatch Front, with Salt Lake, Davis, Utah, and Weber Counties accounting for 70% of the total. While counties outside the Wasatch Front only accounted for 30% of the total, this was disproportionate to their population (25%).
- DUI-related arrests in FY 2019 displayed the following characteristics:
 - 71% of arrestees were male (27% female).
 - 37% of arrestees were between 25-36 years of age, followed by 22% 37-48, 13% 21-24, 16% 49 and older, and 11% under 21.
 - The majority of arrests (57%) were made by city/municipal police departments, with the rest split between Utah Highway Patrol (31%) and county sheriff's offices (12%).
 - Over forty percent (41%) of the arrests did not have a BAC reported, and 8% of arrestees refused testing. Of those with a BAC reported, almost half (48%) exceeded .15. Additionally, 7% fell between .05-.07, an increase over previous years with six months of the new statutory level (.05).
 - It was the first DUI-related arrest for 71% of arrestees, with 19% having one prior arrest and another 10% having two or more prior arrests for DUI.
- The 11% of arrestees under the age of 21 is consistent with recent years, though the 1,101 total arrests of underage persons is down 25% since 2013, when there were 1,460.
- It is too soon to assess the impact of changing the statutory level to .05, though there did not appear to be a significant change in arrests after the implementation date.
- Consistent with previous years, 79% of the arrests were for per se violations where the driver had a .08 (.05 as of December 30, 2018) or greater blood/breath alcohol concentration, or was impaired by alcohol, other drugs, or a combination of the two to the extent it was unsafe to operate a vehicle.
 - Drug metabolite arrests, which had increased sharply in FY 2018 and preceding years, stabilized in FY 2019.
- Arrests included 2,124 made during specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI sobriety checkpoints that involved law enforcement agencies throughout the state. These overtime shifts have been increasing.

DUI and Drug-Related Crashes, Injuries, and Fatalities

- The numbers of DUI/*alcohol*-related crashes, injuries, and fatalities all increased this year, particularly fatalities, after several years of stability or decline.
 - Crashes increased 8% from CY 2017 to 1,968 in CY 2018; injuries increased 6% to 1,223 in CY 2018; and fatalities jumped 33% to 48 (19% of total) in CY 2018.
- DUI/*drug*-related crashes, injuries, and fatalities, on the other hand, have all shown a marked increase over the past ten years, and especially in recent years.
 - Crashes increased 6% from CY 2017 to 1,057 in CY 2018, and +93% since 2009.
 - Injuries increased 6% from CY 2017 to 774 in CY 2018, +75% since 2009.
 - Drug-positive driver fatalities increased 10% from CY 2017 to 97 in CY 2018 (now *over one-third of all crash fatalities*). The 97 fatalities also represent a 273% increase since 2010.
- The most common drug types found in drug-positive driver fatalities in CY 2018 were marijuana/THC; stimulants (e.g., methamphetamine); depressants (e.g., sedatives); and opioids (e.g., oxycodone).

Courts: Adjudications and Sanctions

- In FY 2019, there were 7,725 DUI-related cases disposed by Utah's Justice Courts.
 - 78% resulted in a guilty plea or verdict.
- In FY 2019, there were 3,316 DUI-related cases disposed by the state's District Courts.
 - 80% resulted in a guilty plea or verdict.
- An increasing number and percentage of DUI-related cases have been handled in the District Courts over the past ten years.

Courts: Orders for Assessment, Treatment, and Education

- Justice Court judges ordered offenders to undergo a substance use disorder screening and assessment in 4,271 cases (71% of guilty), ordered substance use disorder treatment in 2,985 cases (49%), and ordered an educational series in 2,803 cases (46%).
- District Court judges ordered offenders to undergo a substance use disorder screening and assessment in 1,301 cases (49% of guilty), ordered substance use disorder treatment in 1,432 cases (54%), and ordered an educational series in 420 cases (16%).
- Treatment orders have increased significantly over the past ten years in both courts.

Driver License Control

- 3,835 hearings were conducted in FY 2019 to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.
 - 2,905 (76%) involved at least one of the parties calling in for the hearing.
 - In 1,293 (34%) of the cases, no action could be taken against the driver due to the absence of the arresting officer at the hearing or other factors.

Purpose of the Report

The 17th *Annual DUI 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.

1

DUI Policy in Utah



The Utah Legislature establishes policy for dealing with driving under the influence of alcohol and other drugs through the passage of bills that are enacted into law. This section summarizes the bills passed by the 2019 Utah Legislature and their impact on DUI policy in Utah.

2019 DUI-Related Legislation

S.B. 68 Driver License and Implied Consent Modifications *Senator Karen Mayne*

- This bill amends procedures involving law enforcement and the Driver License Division when an individual suspected of driving under the influence is arrested. Law enforcement will no longer be required to take the driver license and issue a 30-day temporary permit, so the driver will be able to keep the license to drive until they receive notice from the Driver License Division. The bill also extends the effective date for an administrative DUI suspension from 30 days to 45 days from the date of arrest.

S.B. 131 Ignition Interlock Amendments *Senator Wayne Harper*

- This bill provides a process for an individual to petition the Driver License Division for removal of an ignition interlock restriction if the individual's offense was based solely on substances other than alcohol.

S.B. 139 Motor Assisted Transportation Amendments *Senator Kirk Cullimore*

- This bill provides that a person may not drink an alcoholic beverage while operating a motor assisted scooter; and may not keep, carry, possess, transport, or allow another to keep, carry, possess or transport in the passenger compartment of a motor assisted scooter when it is on any highway or waters of the state, any container that contains an alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.

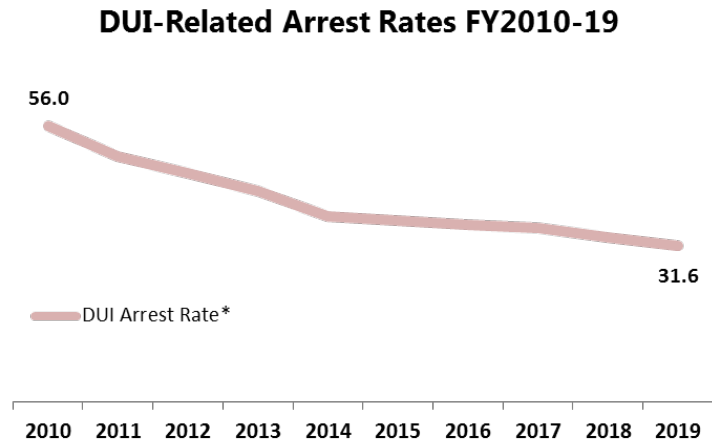
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Law Enforcement Activities

DUI-Related Arrests

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI-related arrests. In FY 2019, law enforcement officers made 9,995 arrests, 388 fewer (-4%) than in FY 2018. While Utah’s population has continued to grow, the arrest rate for DUI-related offenses has declined steadily, with a nearly 44% decrease over the past ten years (associated with 5,290 fewer arrests than FY 2010).

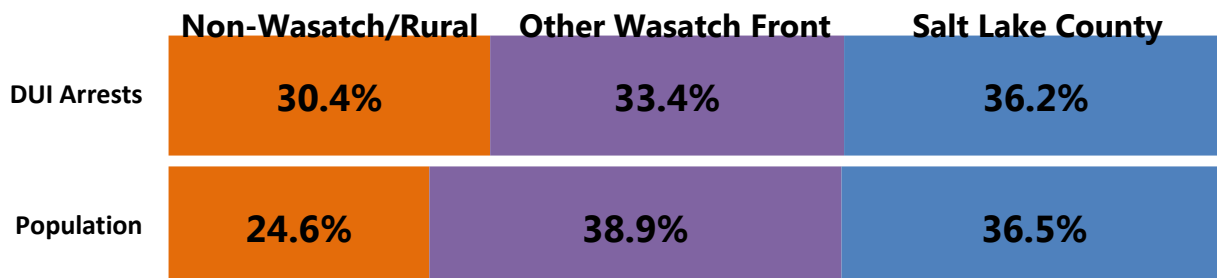
Utah DUI-Related Arrest Rates by Population, FY 2009 - FY 2018			
Fiscal Year	DUI-Related Arrests	Population as of July 1	DUI-Related Arrest Rate*
2010	15,285	2,731,558	56.0
2011	13,816	2,775,334	49.8
2012	13,031	2,814,216	46.3
2013	12,227	2,853,467	42.8
2014	10,901	2,897,927	37.6
2015	10,802	2,937,399	36.7
2016	10,755	2,982,497	36.0
2017	10,762	3,042,613	35.3
2018	10,383	3,103,118	33.5
2019	9,995	3,161,105	31.6



Source of DUI-Related Arrest Data: Utah Department of Public Safety, Driver License Division
 Source of Population Data: U.S. Census Bureau, Population Division (estimates are as of July 1 of calendar year preceding fiscal year)
 *DUI-related arrest rate is the number of DUI-related arrests per 10,000 population.

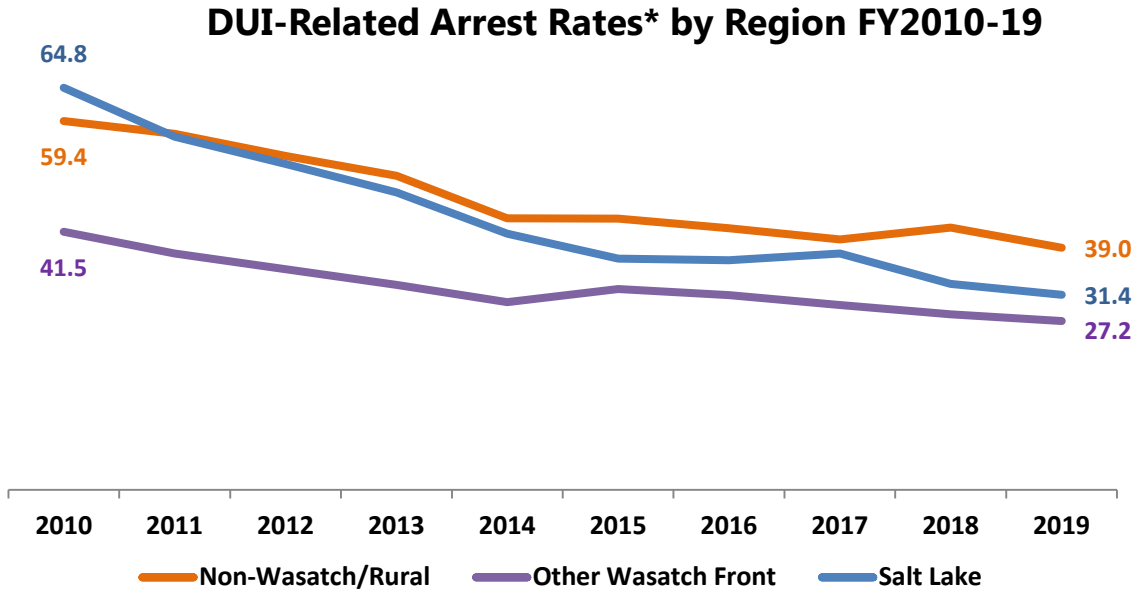
Arrests by County & Region

Consistent with past years, the majority of DUI-related arrests during FY 2019 occurred along the Wasatch Front, with Weber, Davis, Salt Lake, and Utah Counties accounting for nearly 70% (6,961) of the total. Salt Lake County had the highest number of arrests with 3,620 (36.2%), while Wayne and Piute Counties had the fewest arrests with four (see Table A1 in the Appendix for all 2019 data by county, as well as a comparison of arrest percentages to total population). The chart below breaks the 2019 arrests down by region of the state.



Note: "Other Wasatch Front" = Davis, Utah, and Weber counties; "Non-Wasatch/Rural" = all other counties outside the Wasatch Front.

The previous figure shows an over-representation of DUI-related arrests outside the Wasatch Front (30.4%), relative to the total population in the region (only 24.6% of the total population). Additionally, the figure below shows the DUI-related arrest rate trends over time (FY 2010-19) by region of the state. Consistent with the previous figure, the highest arrest rates in FY 2019 were outside the Wasatch Front (39.0 per 10,000 population), followed by Salt Lake County (31.4), and Davis/Utah/Weber counties (27.2). As with the overall rates for Utah seen on the previous page, the rates in each region have seen a downward trend over the past ten years. Salt Lake County has shown the sharpest decline, cutting its rate by more than half in that time (see Table A2 in the Appendix for all the rate data by county and region).



Note: "Other Wasatch Front" = Davis, Utah, and Weber counties; "Non-Wasatch/Rural" = all other counties outside the Wasatch Front.
 *DUI-related arrest rate is the number of DUI-related arrests per 10,000 population.

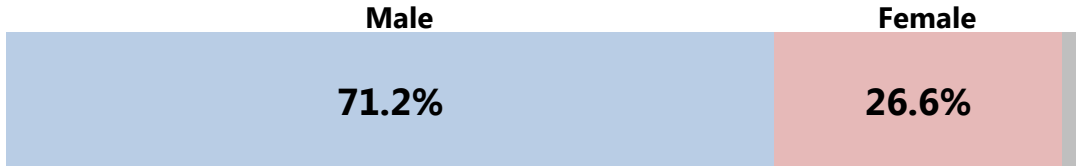
Characteristics of FY 2019 DUI-Related Arrests

The figures on the next page show some characteristics of DUI-related arrests, including:

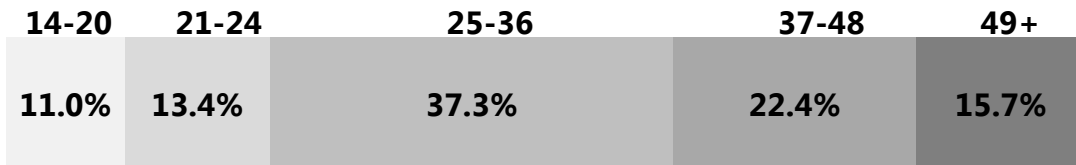
- **Gender:** 71% of arrestees were male, while 27% were female (an additional 2% of arrests did not have gender specified; see Table A3 in the Appendix).
- **Age:** Drivers ages 25-36 accounted for 37% of all arrests, followed by 22% for ages 37-48. 11% of arrestees were under the legal age of 21 (see p.12 for more on this, and see Table A4 for full data).
- **Arresting Agency:** 57% of all arrests were made by municipal law enforcement agencies, with Utah Highway Patrol responsible for 31% and county sheriffs' offices responsible for 12% (see Table A5).
- **Blood/Breath Alcohol Concentration (BAC):** Over forty percent (41%) of the arrests did not have a reported BAC, while another 8% refused the BAC test. Of those arrests with BAC reported, almost half (48%) exceeded .15 (the highest BAC recorded was .45), while 28% fell between .11-.15, 13% between .08-.10, 7% between .05-.07, and 4% under .05 (see Table A6). Arrests in both categories below .08 increased this year (see p.12).
- **Repeat Offenders:** 71% of arrests were for a first offense, 19% had one prior offense, and 10% were for a third or subsequent offense (see Table A7 for more data by violation type).

- By Month:** DUI-related arrests remained fairly consistent throughout FY 2019, with an average of 833 arrests per month, though there were slightly more in the last quarter of the year (25% in Q1, 25% in Q2, 24% in Q3, and 26% in Q4). The highest number of arrests occurred in September and April (871), with the lowest number of arrests in February (723; see Table A8). Of note, the legal BAC limit was lowered to .05 at the end of 2018, though the difference in arrests from the first half to the second half of the year is negligible.

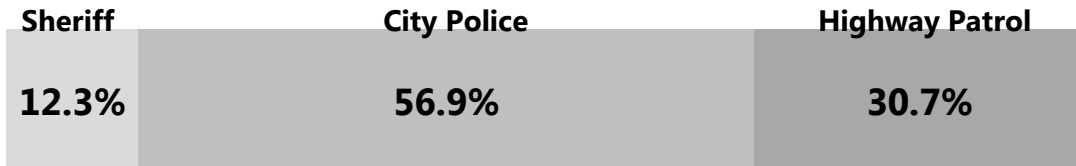
Gender



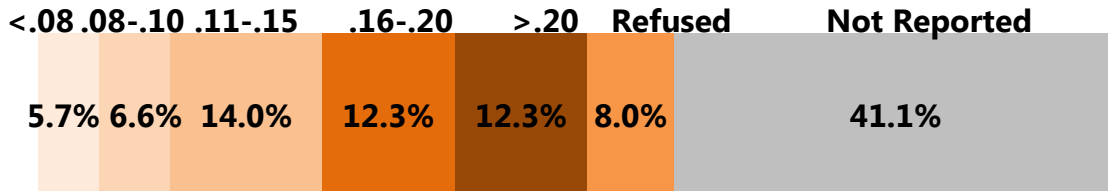
Age



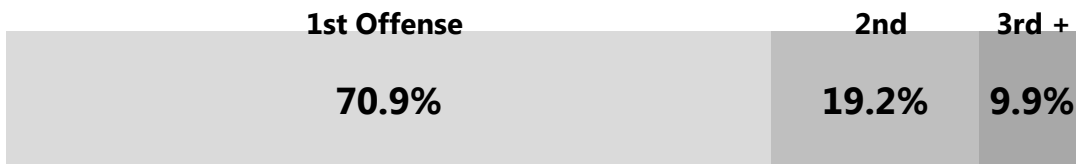
Arresting Agency



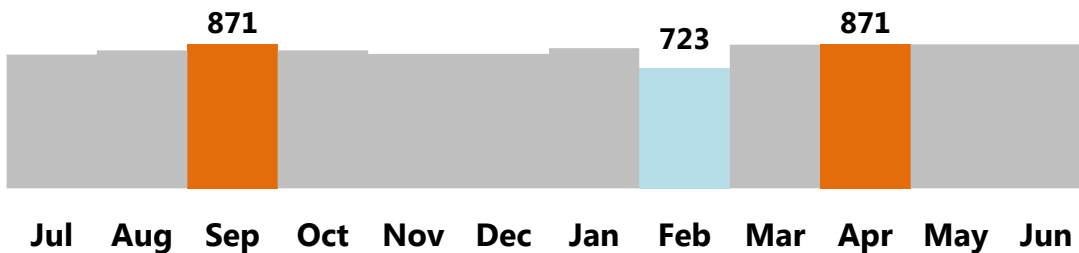
Blood/Breath Alcohol Content (BAC; See Figure A1)



First-Time vs. Repeat Offenders

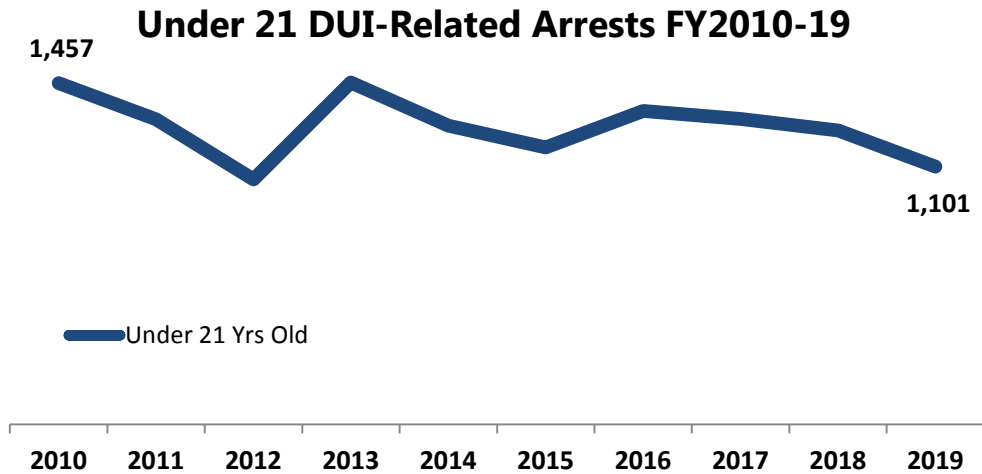


Month of Arrest



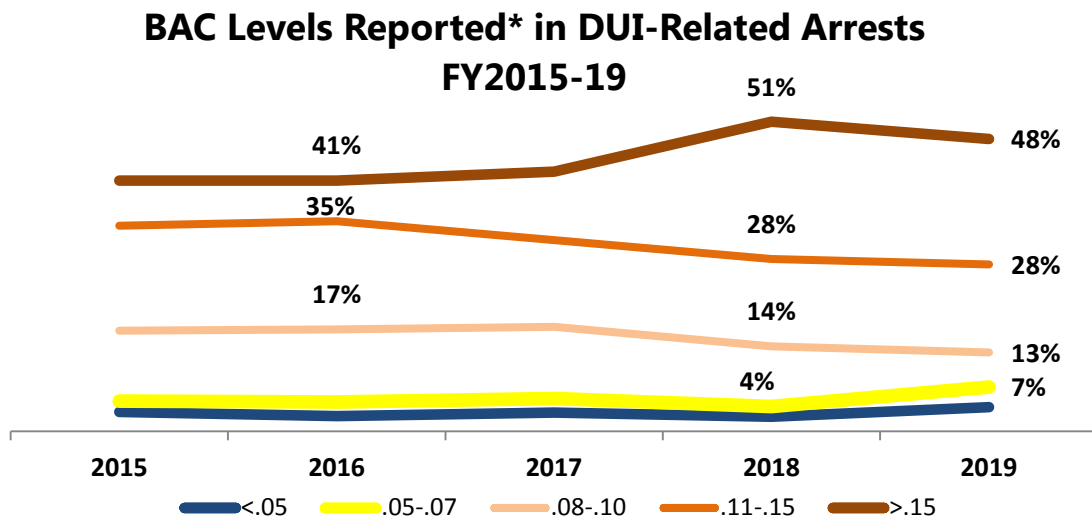
Underage DUI-Related Arrests

As seen on the previous page, 11% of the DUI-related arrests were offenders under the legal drinking age of 21. This percentage of the overall arrests is consistent with recent years (see Table A4), though the 1,101 total arrests in this category continues a downward trend that is displayed in the figure below. Since FY 2013, when there were 1,460 arrests where the offender was under 21, this number has declined 25% to the most recent fiscal year.



Early Impacts of Decreasing the Legal BAC Limit to .05

As seen on the previous page, while the new law lowering the legal BAC limit to .05 went into effect on December 30, 2018, there was a negligible difference in total DUI-related arrests between the first and second halves of the fiscal year (4,956 July-December, 5,039 January-June). Though the data on reported BAC levels discussed above (and in Table A6) is not broken down by month like the overall arrests, there was a slight increase in arrests with a BAC below .08, particularly in the range of .05-.07 where the legal limit was moved (7.3% of arrests were in this range, compared to 4.1% in FY 2018). It should be noted that the data below are only based on arrests where the BAC was reported or obtained (41% had no BAC reported and 8% of arrestees refused a BAC test, generally consistent with previous years).



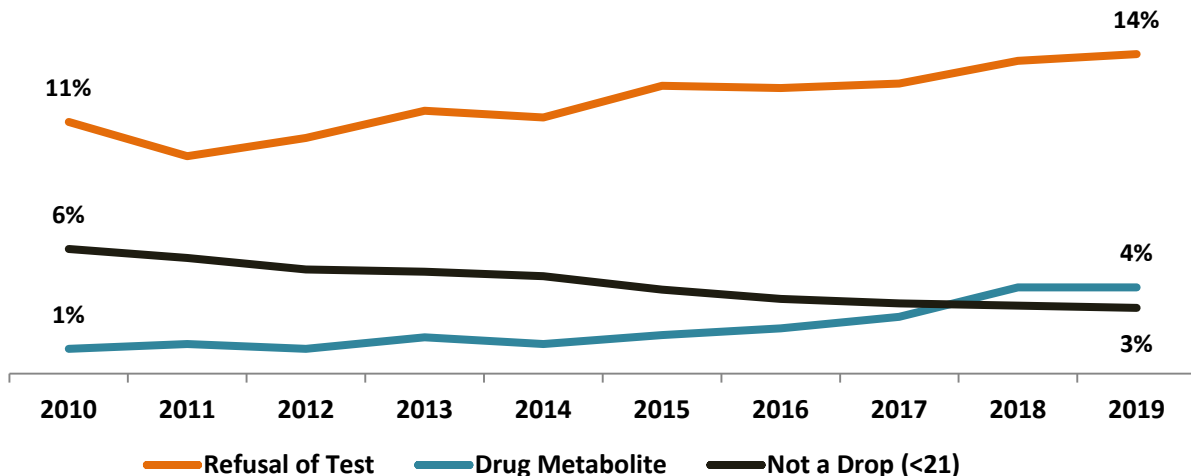
*Note: Specific BAC levels are only generally reported in around half of cases. Data distinguishing <.05 and .05-.07 not available pre-FY2015.

Arrests by Violation Type

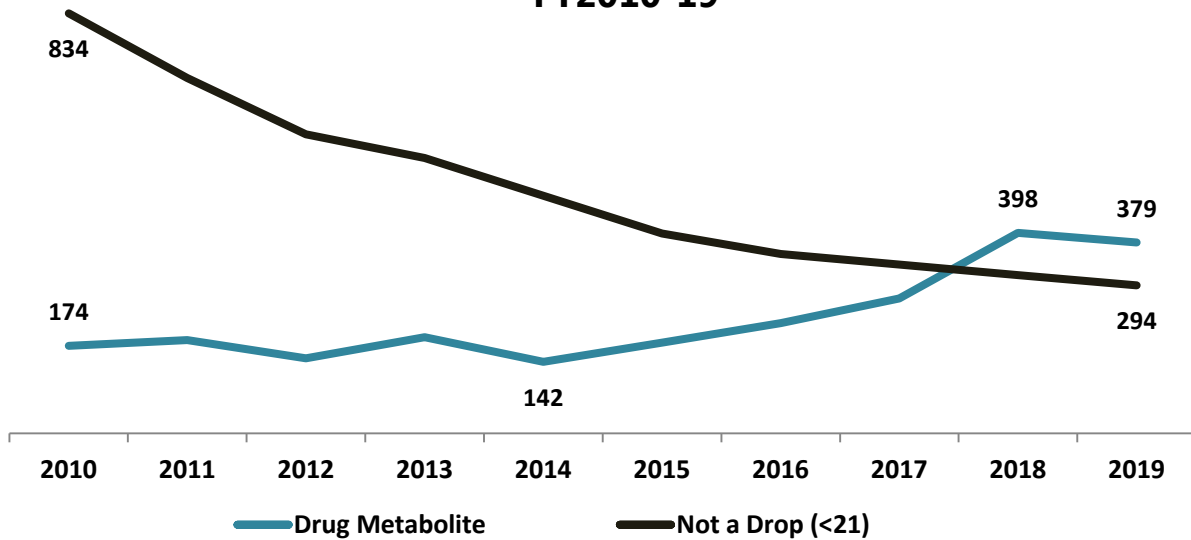
The distribution of DUI-related arrests by type of violation in FY 2019 was similar to previous years (see Table A9 in Appendix), with the vast majority (79%) for **per se violations**. Per se violations occur when the driver has a .08 (.05 as of December 30, 2018) or greater blood/breath alcohol concentration, or is impaired by alcohol, drugs, or a combination of the two to the extent it is unsafe to operate a vehicle. 14% of arrests were for **refusal to submit to a chemical test** – 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 and/or other drugs. It is also illegal to drive with any measurable controlled substance or **metabolite of a controlled substance** in a person’s body – this accounted for nearly 4% of arrests, the same as FY 2018 after a significant increase had been observed between FY 2017 and FY 2018 (+49%). 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 3% of the arrests. Arrests of **commercial drivers** exceeding the .04 limit represented less than 1% of the total.

The figures below show how the distribution of violation types has varied over the past ten years (per se violations were left out, as these have not varied much from an average of 81% over this period, though the 79% of arrests in FY 2019 and FY 2018 are 10-year lows). In recent years, there appears to be a slight increase in arrestees refusing to submit to a chemical test, with the 14% in FY 2019 and FY 2018 being 10-year highs. Arrests involving a positive drug metabolite test and violations of the Not a Drop statute (< 21 years old) are following contrasting trend lines, with the former increasing (1% in 2010 to 4% in 2019) and the latter decreasing steadily (6% to 3%) over the ten year period. The second figure shows the raw number of arrests for each of these. Over ten years, Not a Drop violations have decreased 65% from 834 in FY 2010 to 294 in FY 2019. In the same period, drug metabolite violations have increased 118% from 174 to 379, including 167% from a low of 142 in FY 2014. These latter arrests did, however, decrease 5% this past year from a previous high of 398 in FY 2018.

DUI-Related Arrest Violation Type % FY2010-19



DUI-Related Arrests - Selected Violation Types FY2010-19



Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in SFY 2019/FFY 20189 included those that occurred as a result of specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints. State funding from DUI impound fees collected, as well as federal funding from the National Highway Traffic Safety Administration (NHTSA), was used to fund the overtime shifts coordinated through the Utah Highway Safety Office. Law enforcement agencies throughout Utah participated, including local police agencies, sheriffs’ offices, the Utah Highway Patrol, and university police departments. The table below shows the measures associated with these specialized DUI overtime enforcement events. The total DUI shifts worked have almost tripled (+180%) over a ten year period, with vehicles stopped (+152%) and all other indicators below also up significantly as a result.

Statewide DUI Overtime Enforcement Events	State-Funded	Federally-Funded	Totals
	SFY 2019*	FFY 2019*	
DUI Shifts Worked	5,223	1,006	6,229
Vehicles Stopped	43,532	10,787	54,319
DUI Arrests**	1,835	289	2,124
Vehicles Impounded	1,499	218	1,717
Alcohol-Related Arrests***	1,749	166	1,915
Drug-Related Arrests****	1,996	346	2,342
Warrants Served	931	173	1,104
Other Warnings/Citations	39,938	8,645	48,583
Designated Drivers Observed/Documented	545	190	735

Source: Utah Department of Public Safety, Highway Safety Office
 *SFY 2019 = July 1, 2018 – June 30, 2019; FFY 2019 = October 1, 2018 – September 30, 2019
 **Includes 1,088 DUI/alcohol-related, 713 DUI/drug-related, and 323 metabolite arrests
 ***Includes open container and underage/youth alcohol violations (e.g., possession, consumption, attempted purchase, Not a Drop)
 ****Felony and misdemeanor (e.g., drug possession)

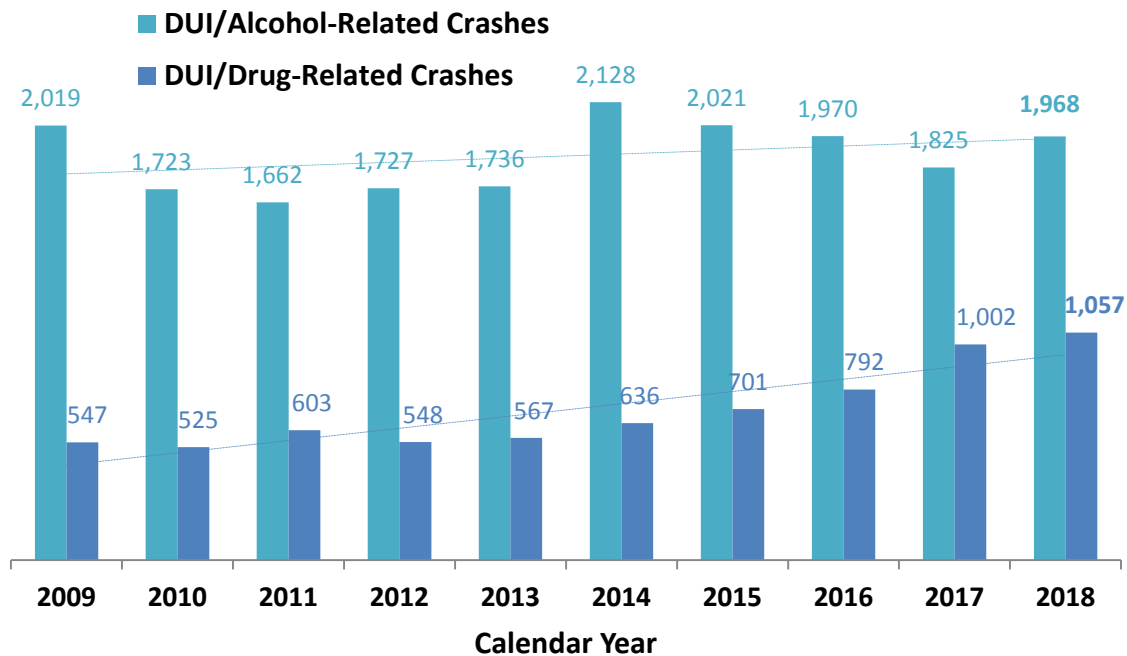
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Crashes, Injuries, & Fatalities

Each year, the Department of Public Safety’s Highway Safety Office tracks the number of crashes, injuries, and fatalities related to DUIs involving both alcohol and drugs (see Tables A10 and A11 in the Appendix for the full data tables for each). The following three sections will discuss each of these separately.

DUI-Related Crashes

Out of a total of 64,340 automobile crashes in 2018 (calendar year), a very small percentage were related to either alcohol (3.1%) or drug (1.6%) DUIs. Although both of these make up only a fraction of overall crashes in any given year, it is clear from the figure below that the numbers of crashes involving each are following different trends over recent years. While there are consistently more alcohol-related crashes than drug-related crashes, this gap has closed considerably over the past several years. Alcohol-related crashes had been decreasing until a slight bump in the most recent year (1,968 in 2018, up 8% from the previous year but still down 8% since a 10-year high in 2014); on the other hand, drug-related crashes have seen a marked increase (1,057 in 2018, up 5% from the previous year and 93% in the 10-year period).

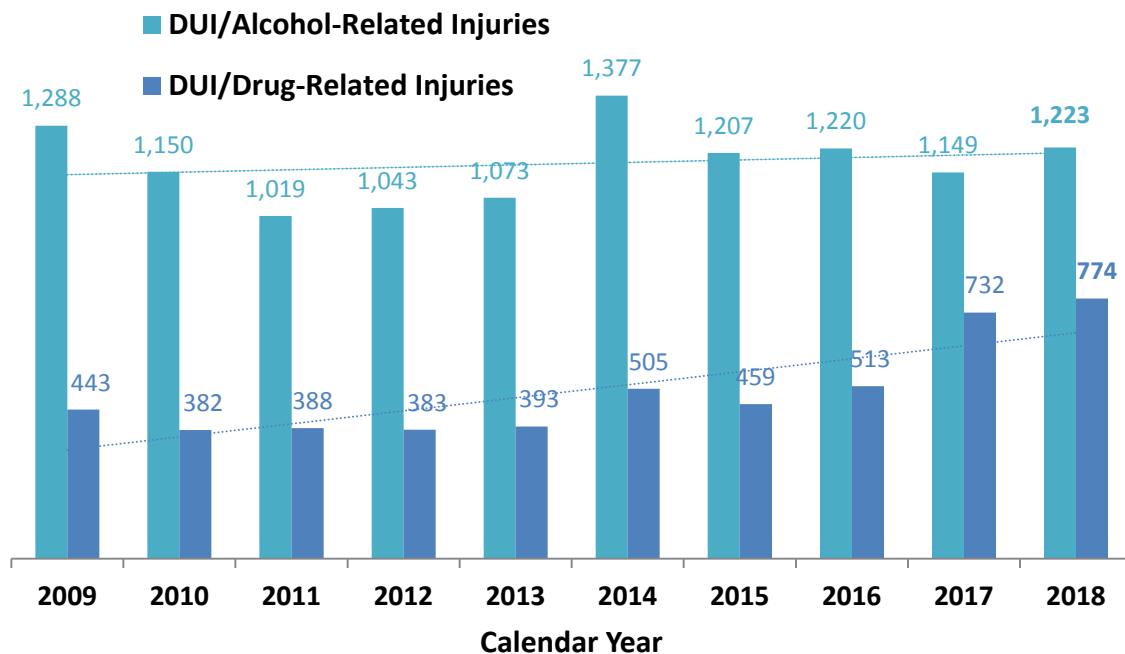


Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related crashes include only those incidents that involved alcohol; DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.

DUI-Related Injuries

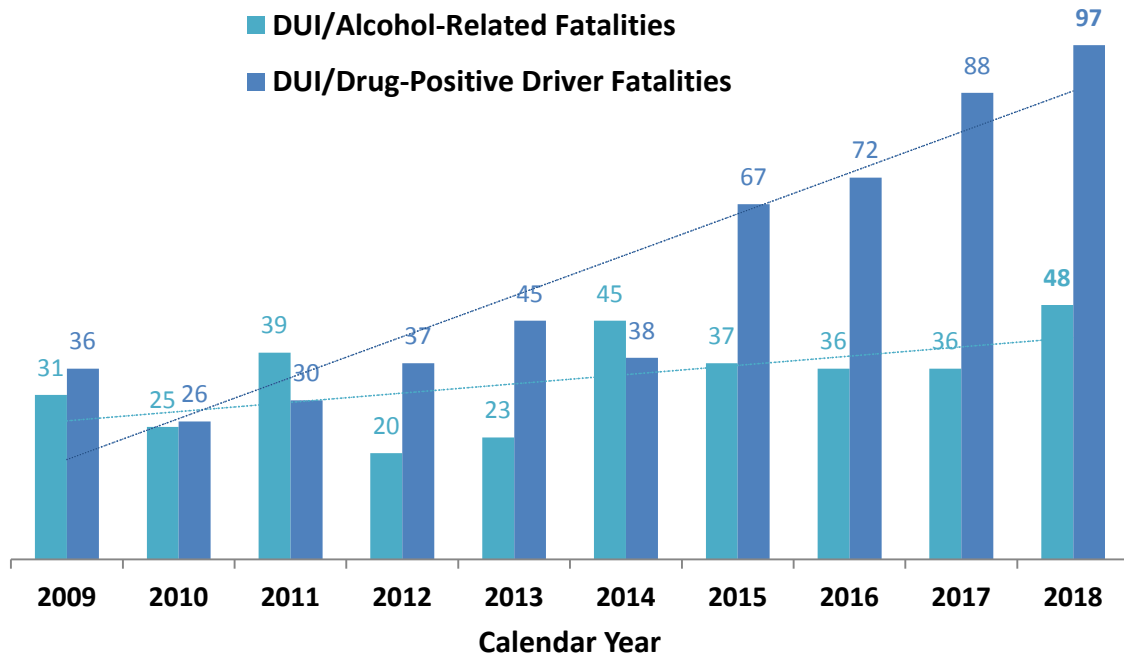
The trends for DUI-related injuries are very similar to those seen for crashes. Once again, a small percentage of the 18,141 total injuries resulting from automobile crashes in 2018 (calendar year) were related to either alcohol (6.7%) or drug (4.3%) DUIs, though these percentages are somewhat higher than for crashes. Also, while there have consistently been more alcohol-related crash injuries per year, these numbers have been fairly stable over the past ten years and drug-related crash injuries have increased, particularly in the past two years, quickly closing the gap between the two. There were 1,223 alcohol-related crash injuries in 2018, up 6% from 2017 (though still down 11% from a recent high in 2014). On the other hand, the 774 drug-related crash injuries in 2018 represented a 6% increase from 2017, a 51% increase from 2016, and a 75% increase over ten years.



Source: Utah Department of Public Safety, Highway Safety Office

DUI-Related Fatalities

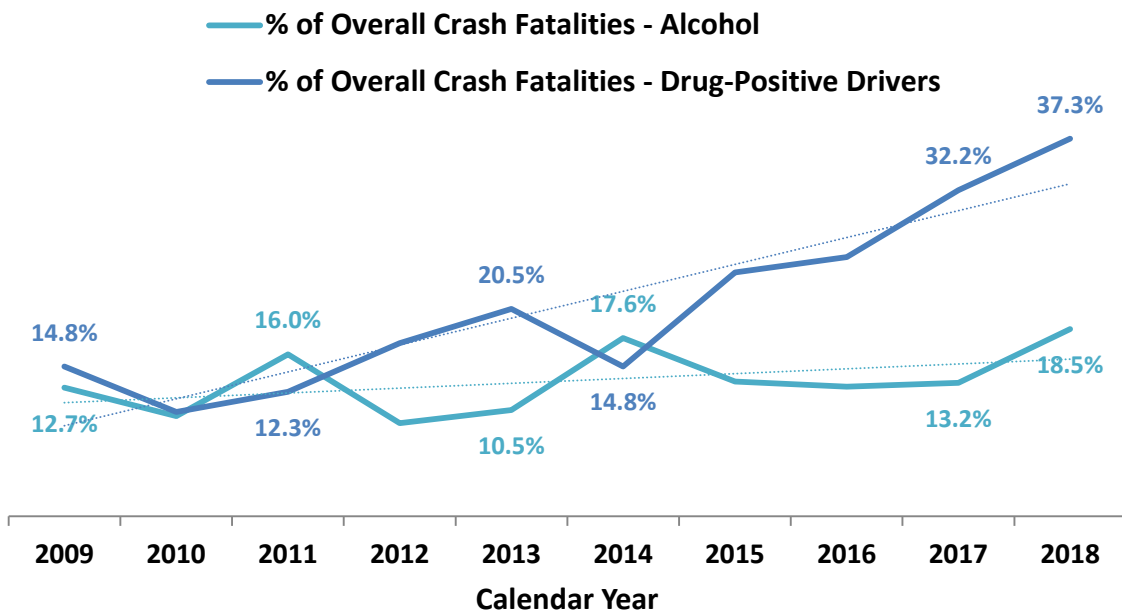
As seen in the figures on the next page, DUI-related fatalities involving alcohol have remained fairly stable over the past ten years (particularly since 2014), though the 48 fatalities occurring in 2018 (calendar year) were a 33% increase from the 36 fatalities in 2017, and above the 10-year average of 34 fatalities per year. The picture is much less stable in recent years for DUI-related fatalities involving drugs – the 97 drug-positive driver fatalities in 2018 is the highest in the past ten years and represents a 10% increase over the previous high of 88 in 2017 (and almost three times as many as 2010). This also greatly exceeds the 10-year average of 54 drug-positive driver fatalities per year, with each of the past four years being significantly higher than average.



Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$. DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of $< .08$. **Drug presence does not imply impairment.**

In addition to the increase in the raw number of drug-positive driver fatalities, these types of fatalities are likewise increasing as a percentage of the overall number of crash fatalities. Unlike crashes and injuries, both alcohol- and drug-related DUI fatalities make up a greater percentage of the total crash fatalities in a given year. Of the 260 total crash fatalities in 2018, 18.5% were alcohol-related and over a third (37.3%) involved a drug-positive driver fatality. As seen in the figure below, the percentage of drug-positive driver fatalities has increased substantially over the last ten calendar years.

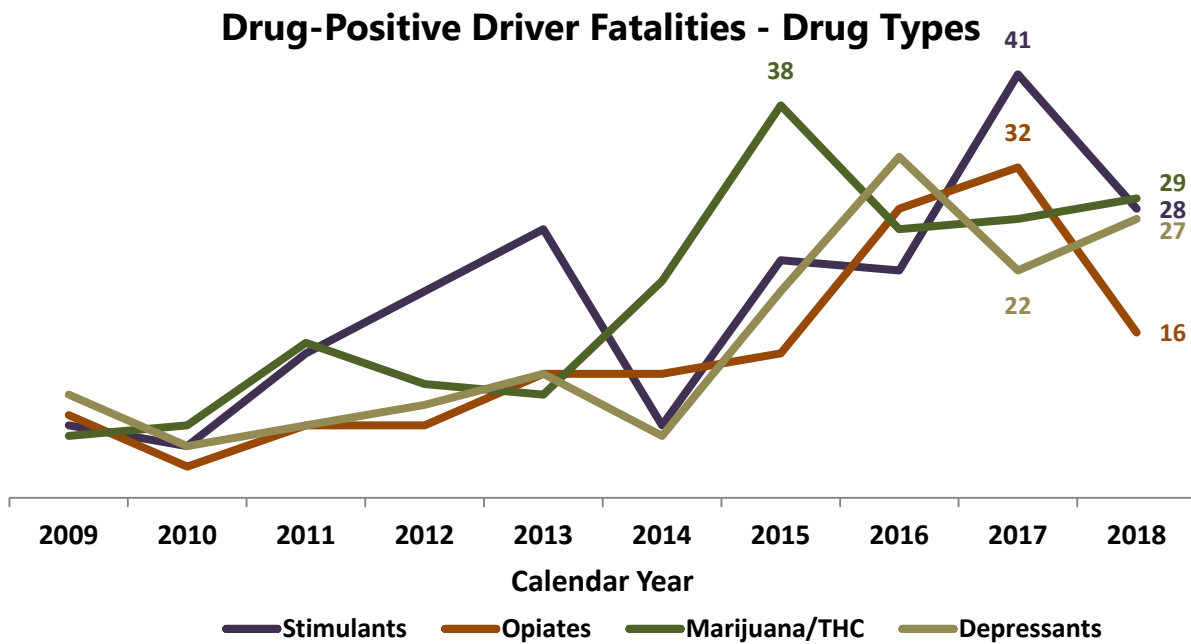


Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$. DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of $< .08$. **Drug presence does not imply impairment.**

Drug Positive Driver Test Results in Fatal Crashes – Drug Types

The most common drugs found in drug positive tests in fatal crashes in 2018 were marijuana/THC (N = 29), stimulants (e.g., methamphetamine, amphetamines, cocaine; N = 28), depressants (e.g., barbiturates, sedatives; N = 27), and opioids/narcotic analgesics (e.g., oxycodone, hydrocodone, morphine, heroin, fentanyl; N = 17). The figure below shows the trends over the past ten years for these four most common drug types found in positive drug tests of drivers in fatal automobile crashes. Both stimulant and opioid positive tests decreased markedly in 2018, while positive tests for depressants increased. Marijuana positive tests are fairly stable, though still below their peak in 2015. It should be noted that a driver in a fatal crash can test positive for more than one drug as well as alcohol (when the BAC is greater than the legal limit, the fatality would count as an alcohol-related fatality even with a positive drug test – there were 145 total combined substance-related fatalities in 2018). See Table A12 in the Appendix for the full data related to this topic.



Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of < .08. Drug presence does not imply impairment. More than one drug may be present in a positive test result.

4

Court Activities

Adjudications and Sanctions

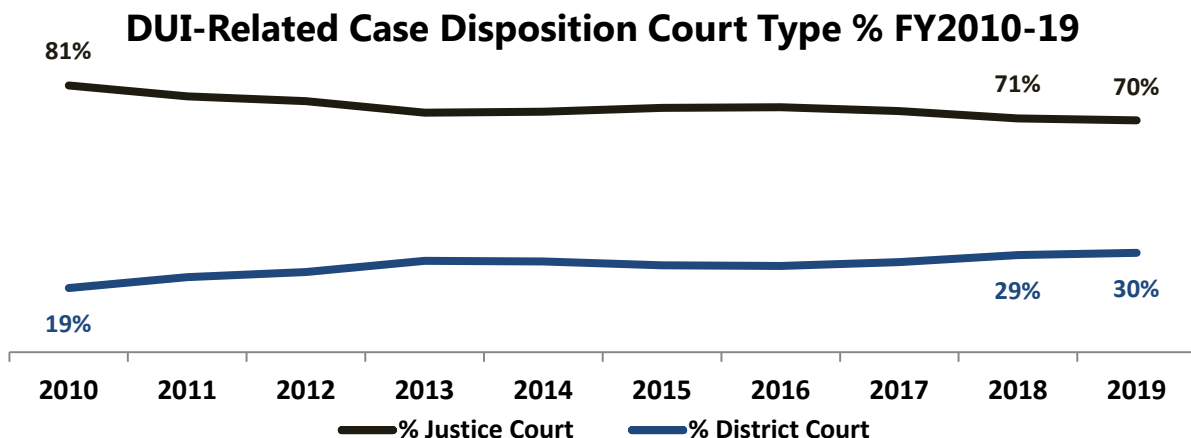
DUI-related offenses are classified either as misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense.

- In general, first and second DUI offenses (within 10 years) are classified as **class B misdemeanors**.
- A first or second DUI offense (within 10 years) is classified as a **class A misdemeanor** if it involves bodily injury, a passenger who is under 16 years of age, a passenger under 18 years of age if the driver is 21 or older, or if the driver was driving in the wrong direction on a freeway or controlled-access highway.
- A DUI offense is classified as a **3rd 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.

Utah’s **Justice Courts**, which are established by municipalities and counties, handle offenses classified as class B misdemeanors, class C misdemeanors, violations of local ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice Court jurisdictions are determined by the boundaries of the local government entities (e.g., city or county), which hire the judges. On the other hand, **District Courts** are the state trial courts of general jurisdiction. These courts have original jurisdiction to try all civil cases, all criminal felonies, and misdemeanors in certain circumstances. DUI offenses classified as class A misdemeanors and felonies are under the jurisdiction of the state’s District Courts.

DUI-Related Cases and Outcomes

Utah courts disposed 11,041 total DUI-related cases in FY 2019, down 6% from FY 2018. Of these cases, 7,725 (70%) were handled by Utah’s Justice Courts (down 7% from FY 2018), while 3,316 (30%) were handled by the state’s District Courts (down 4% from FY 2018; see Table A13). An increasing percentage of cases have been disposed in the District Courts over the past ten years.



Source: Utah Administrative Office of the Courts

Of the 7,725 DUI-related cases disposed by Utah’s Justice Courts during FY 2018, 78% resulted in a guilty plea or verdict. A similar rate was found in the District Courts, as 80% of the 3,316 cases disposed resulted in a guilty plea or verdict. See Table A14 in the Appendix for the overall disposition rates by court type, and Tables A15-16 for dispositions by county for the Justice Courts and by judicial district for the District Courts.

DUI-Related Sanctions

Additional DUI-related case information collected by the Courts can be found in Table A17 in the Appendix. The data indicate that in FY 2019, Justice Court judges ordered offenders to complete supervised (non-court) probation in 2,172 cases (28% of the total disposed cases), ordered electronic monitoring in 458 cases (6%), and ordered ignition interlock devices in 838 cases (11%). Additionally, District Court judges ordered offenders to complete supervised (non-court) probation in 1,788 cases (54% of the total disposed cases), ordered electronic monitoring in 289 cases (9%), and ordered ignition interlock devices in 464 cases (14%).

Orders for Screening, Assessment, Treatment, and Education

See Table A18 in the Appendix for full data on substance use disorder screening and assessment, substance use disorder treatment, and educational series court orders.

Screening & Assessment

As part of any sentence for a DUI-related 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 drugs, 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 drug use, 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.¹

In FY 2019, Justice Court judges ordered offenders to complete substance use disorder screening and assessment in 4,271 cases, which was 71% of the cases with a guilty plea or verdict. The number of orders was down slightly (-6%) from FY 2018. District Court judges were less likely to order screening and assessment, with orders in 1,301 cases (49% of cases with a guilty plea or verdict), though this was up 11% from FY 2018. Overall, 64% of DUI-related cases with a guilty plea or verdict were ordered to screening and assessment.

Treatment

For a first and second DUI-related 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. Offenders assessed as meeting the diagnostic criteria for a substance use disorder should participate in a treatment program in

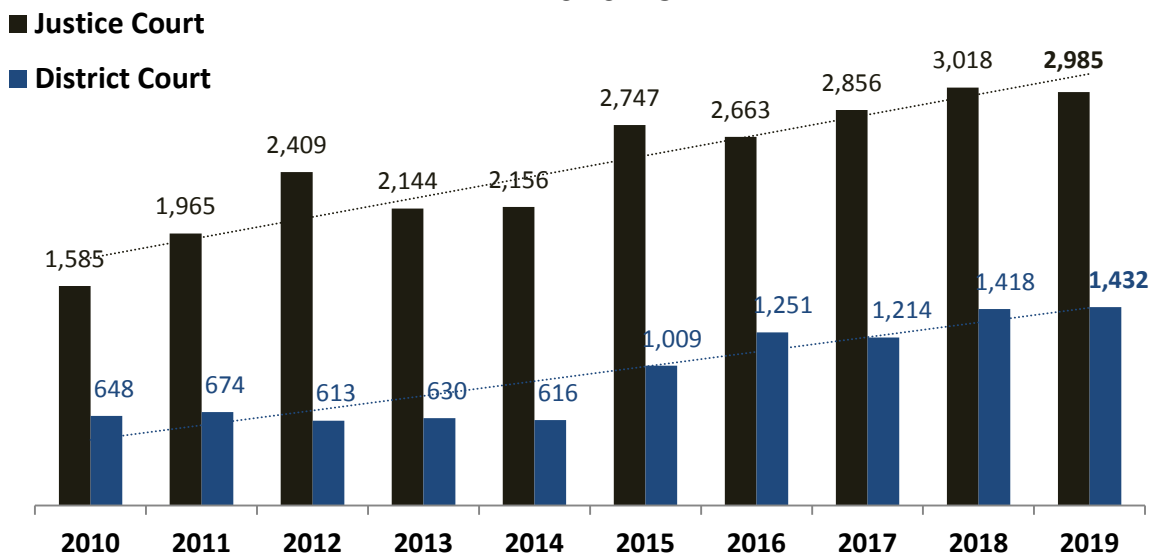
¹ Center for Substance Abuse Treatment, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, Treatment Improvement Protocol (TIP) Series, #7.

addition to, or in lieu of, the educational course.”² 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.

In FY 2019, Justice Court judges ordered offenders to complete substance use disorder treatment in 2,985 cases, which was 49% of the cases with a guilty plea or verdict. The number of orders was down slightly from FY 2018, but the percentage was up (from 47% in FY 2018). District Court judges were somewhat more likely to order treatment, with orders in 1,432 cases (54% of cases with a guilty plea or verdict). The number of orders was up slightly from FY 2018 (from 1,418 and 53%). Overall, over half (51%) of DUI-related cases with a guilty plea or verdict were ordered to treatment.

As the figure below indicates, orders for substance use disorder treatment have been generally increasing over the past ten years, even while DUI arrests have decreased over the same period. Justice Court judge orders for treatment have increased 39% since FY 2013 and 88% over the 10-year period, and District Court judge orders have increased 132% since a previous low in FY 2014.

**Treatment Orders in DUI-Related Cases by Court
FY2010-19**



Source: Utah Administrative Office of the Courts

Note: Earlier years may not have full participation of the Justice Courts reporting to the CORIS database.

Education

For a first DUI-related 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 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.”³ Utah

² Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

³ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

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.”⁴

Not surprisingly, educational series orders were much more common in the Justice Courts. In FY 2019, Justice Court judges ordered offenders to complete the educational series in 2,803 cases, which was almost half (46%) of the cases with a guilty plea or verdict. The number of orders, however, was down 6% from FY 2018. District Court judges only ordered the educational series in 420 cases (16% of cases with a guilty plea or verdict), down 12% from FY 2018. Overall, 37% of DUI-related cases with a guilty plea or verdict were ordered the educational series.

The DUI Sentencing Matrix on pages 35-36 of this report provides detailed information regarding DUI-related offense classifications and sanctions.

⁴Stafford, 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.

5

Driver License Control Hearings

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 of alcohol and/or other drugs
- Driving with any measurable controlled substance or metabolite in the body
- Not a Drop violation (persons under 21 years of age)
- Refusal to submit to a chemical test
- Automobile homicide
- "No-alcohol" conditional license
- Alcohol restricted driver (ARD) violation
- Interlock restricted driver (IRD) conviction

Hearing Statistics

A driver arrested for a DUI-related offense may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within 30 days. As shown in the table below, there were 3,835 requested alcohol hearings held in FY 2019. 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 2,905 (76%) of the cases, at least one of the parties called in for the hearing.

Type of Violation	Total Number of Hearings	Total Telephonic	Hearings Resulting in No Action		
			No Officer No Action	Other No Action	Total No Action
Per Se Alcohol/Drug	3,190	2,412	818	275	1,093
Not a Drop (< 21)	105	79	27	8	35
Refusal of Chemical Test	540	414	133	32	165
TOTAL	3,835	2,905	978	315	1,293

Source: Utah Department of Public Safety, Driver License Division

APPENDIX: Associated Data Tables

The following tables provide more detailed data for information referenced in this report.

Table A1. DUI-related Arrests by County and Region in FY 2019, Compared to Population

County	DUI-Related Arrests FY 2019		July 1, 2018 Utah Population Estimates	
	Number	Percent	Number	Percent
Beaver	66	0.7%	6,580	0.2%
Box Elder	154	1.5%	54,950	1.7%
Cache	236	2.4%	127,068	4.0%
Carbon	88	0.9%	20,269	0.6%
Daggett	6	0.1%	980	<0.1%
Duchesne	75	0.8%	19,964	0.6%
Emery	57	0.6%	10,014	0.3%
Garfield	14	0.1%	5,080	0.2%
Grand	98	1.0%	9,764	0.3%
Iron	179	1.8%	52,775	1.7%
Juab	126	1.3%	11,555	0.4%
Kane	25	0.3%	7,709	0.2%
Millard	96	1.0%	13,006	0.4%
Morgan	28	0.3%	12,045	0.4%
Piute	4	<0.1%	1,445	<0.1%
Rich	12	0.1%	2,464	0.1%
San Juan	100	1.0%	15,449	0.5%
Sanpete	83	0.8%	30,623	1.0%
Sevier	83	0.8%	21,539	0.7%
Summit	240	2.4%	41,933	1.3%
Tooele	384	3.8%	69,907	2.2%
Uintah	193	1.9%	35,438	1.1%
Wasatch	134	1.3%	33,240	1.1%
Washington	549	5.5%	171,700	5.4%
Wayne	4	<0.1%	2,690	0.1%
Non-Wasatch/Rural	3,034	30.4%	778,187	24.6%
Davis	880	8.8%	351,713	11.1%
Utah	1,632	16.3%	622,213	19.7%
Weber	829	8.3%	256,359	8.1%
Other Wasatch Front	3,341	33.4%	1,230,285	38.9%
Salt Lake	3,620	36.2%	1,152,633	36.5%
TOTAL	9,995	100.0%	3,161,105	100.0%

Table A2. DUI-related Arrest Rates* by County and Region, FY 2010-19

County/Region	Fiscal Year									
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Beaver	133.8	98.1	90.7	74.4	75.9	100.6	74.0	108.3	115.9	100.3
Box Elder	35.6	33.0	25.2	28.6	25.6	27.2	35.7	28.2	30.9	28.0
Cache	36.3	41.4	35.8	33.8	27.3	22.1	26.2	21.6	24.3	18.6
Carbon	94.1	84.1	54.0	63.0	31.0	29.0	31.3	36.3	47.8	43.4
Daggett	70.9	160.5	116.6	108.4	35.5	62.7	0.0	9.1	38.9	61.2
Duchesne	72.0	75.2	81.1	99.6	72.9	55.9	44.6	43.8	50.4	37.6
Emery	91.3	100.2	53.7	59.0	63.3	51.7	33.8	41.1	46.6	56.9
Garfield	101.0	44.5	56.3	35.1	33.4	35.8	2.0	38.1	45.3	27.6
Grand	126.4	97.6	130.9	158.2	99.4	105.0	107.2	74.1	74.4	100.4
Iron	67.1	55.2	50.9	50.3	56.6	58.2	43.8	39.9	58.2	33.9
Juab	112.8	111.3	99.8	108.4	71.5	58.2	98.2	96.3	103.1	109.0
Kane	103.9	129.1	86.0	54.9	79.9	68.9	61.7	49.1	44.9	32.4
Millard	58.4	67.2	73.1	63.4	50.5	55.5	69.6	90.6	99.5	73.8
Morgan	36.2	45.4	35.2	25.2	17.7	33.0	30.7	24.5	26.1	23.2
Piute	47.3	32.1	25.9	26.0	19.9	20.2	19.8	6.8	21.1	27.7
Rich	25.8	17.7	57.1	66.5	65.6	43.6	30.3	21.6	20.9	48.7
San Juan	90.8	58.3	37.4	52.5	45.4	43.9	39.3	31.4	50.1	64.7
Sanpete	25.0	22.6	27.7	21.4	22.3	25.6	20.2	26.9	31.0	27.1
Sevier	76.1	86.0	78.0	53.6	77.2	50.5	31.9	28.2	51.1	38.5
Summit	91.2	81.8	93.0	67.6	62.1	65.5	56.3	51.9	39.9	57.2
Tooele	68.5	72.1	83.4	73.4	58.3	63.6	60.8	63.1	53.8	54.9
Uintah	99.1	111.4	130.3	102.5	69.5	49.9	47.5	36.6	39.5	54.5
Wasatch	52.9	48.4	49.5	61.1	58.6	71.1	95.7	94.7	63.9	40.3
Washington	43.0	38.0	56.5	28.0	27.9	32.2	31.1	30.7	33.4	32.0
Wayne	29.7	43.2	29.2	3.7	3.6	11.0	3.7	3.7	7.4	14.9
Non-Wasatch/Rural	59.4	57.5	53.7	50.5	43.6	42.9	41.9	40.1	42.2	39.0
Davis	44.0	44.8	39.5	33.5	25.4	24.8	26.3	26.6	24.8	25.0
Utah	34.7	30.9	29.1	26.8	27.7	28.5	28.5	26.1	25.8	26.2
Weber	54.3	45.9	44.8	46.2	42.5	51.4	44.4	42.4	38.8	32.3
Other Wasatch Front	41.5	38.3	35.5	32.9	30.2	32.3	31.2	29.6	28.2	27.2
Salt Lake	64.8	57.0	52.6	48.1	41.2	37.2	36.8	38.0	33.2	31.4
Statewide TOTAL	54.6	50.0	46.3	42.9	37.6	36.7	35.9	35.3	33.5	31.6
Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division										
Source for Population Data: U.S. Census Bureau, Population Division										
*Arrest Rates are the number of arrests per 10,000 population										

Table A3. DUI-Related Arrests by Gender

DUI-Related Arrests by Gender	FY 2017		FY 2018		FY 2019	
	Number	Percent	Number	Percent	Number	Percent
Male	7,747	72.0%	7,465	71.9%	7,112	71.2
Female	2,777	25.8%	2,666	25.7%	2,657	26.6
Unspecified	238	2.2%	252	2.4%	226	2.2
TOTAL	10,762	100.0%	10,383	100.0%	9,995	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A4. DUI-Related Arrests by Age

DUI-Related Arrests by Age	FY 2017		FY 2018		FY 2019	
	Number	Percent	Number	Percent	Number	Percent
Ages < 21	1,304	12.1%	1,255	12.1%	1,101	11.0%
Ages 21-24	1,623	15.1%	1,533	14.8%	1,347	13.4%
Ages 25-36	4,136	38.4%	3,922	37.8%	3,734	37.3%
Ages 37-48	2,231	20.7%	2,197	21.2%	2,242	22.4%
Ages > 48	1,468	13.6%	1,476	14.2%	1,571	15.7%
TOTAL	10,762	100.0%	10,383	100.0%	9,995	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A5. DUI-Related Arrests by Agency Type

DUI-Related Arrests by Agency Type	FY 2017		FY 2018		FY 2019	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,248	11.6%	1,193	11.5%	1,234	12.3%
City Police/Other	6,112	56.8%	6,140	59.1%	5,692	56.9%
Highway Patrol	3,402	31.6%	3,050	29.4%	3,069	30.7%
TOTAL	10,762	100.0%	10,383	100.0%	9,995	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A6. DUI-Related Arrests by Blood/Breath Alcohol Concentration (BAC)

DUI-Related Arrests by BAC	FY 2017		FY 2018		FY 2019	
	Number	Percent	Number	Percent	Number	Percent
BAC Result Not Reported*	5,168	48.0%	3,971	38.2%	4,106	41.1%
.00 - .04	132	1.2%	138	1.3%	202	2.0%
.05 - .07	228	2.1%	233	2.2%	370	3.7%
.08 - .10	724	6.7%	799	7.7%	661	6.6%
.11 - .15	1,330	12.4%	1,616	15.6%	1,401	14.0%
.16 - .20	1,032	9.6%	1,447	13.9%	1,227	12.3%
.21 - .25	495	4.6%	831	8.0%	725	7.3%
> .25	277	2.6%	626	6.0%	500	5.0%
Refused BAC Test	1,376	12.8%	722	6.9%	803	8.0%
TOTAL	10,762	100.0%	10,383	100.0%	9,995	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.

Table A7. Repeat Offenders by Type of DUI-related Arrest

Note: The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by identifying arrests that occurred in FY 2019 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.

FY 2019 Arrest Type Offense	Per se Alcohol (.08/.05*)/ Drug	Refusal of Chemical Test	Not a Drop (<21)	Drug Metabolite	Commercial Driver (.04)	Unknown (no box marked)	TOTAL	
							Number	Percent
1 st	5,611	897	269	295	2	14	7,088	70.9%
2 nd	1,531	299	18	63	0	5	1,916	19.2%
3 rd	518	148	6	17	0	2	691	6.9%
4 th	172	40	1	1	0	0	214	2.1%
5 th	43	15	0	1	0	0	59	0.6%
6 th -10 th	18	7	0	2	0	0	27	0.3%
TOTAL	7,893	1,406	294	379	2	21	9,995	100.0%

Source: Utah Department of Public Safety, Driver License Division *Note – legal BAC limit changed to .05 on December 30, 2018

Table A8. DUI-related Arrests by Month

DUI-Related Arrests by Month	FY 2017		FY 2018		FY 2019	
	Number	Percent	Number	Percent	Number	Percent
July	969	9.0%	1,002	9.6%	805	8.1%
August	819	7.6%	866	8.3%	830	8.3%
September	890	8.3%	839	8.1%	871	8.7%
October	938	8.7%	843	8.1%	830	8.3%
November	806	7.5%	888	8.6%	810	8.1%
December	877	8.1%	866	8.3%	810	8.1%
January	883	8.2%	864	8.3%	845	8.4%
February	863	8.0%	803	7.7%	723	7.2%
March	994	9.2%	927	8.9%	866	8.7%
April	934	8.7%	810	7.8%	871	8.7%
May	890	8.3%	851	8.2%	867	8.7%
June	899	8.4%	824	7.9%	867	8.7%
TOTAL	10,762	100.0%	10,383	100.0%	9,995	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A9. Arrests by Violation Type

DUI-Related Arrests by Violation Type	FY 2017		FY 2018		FY 2019		Percent Change FY 18–FY 19
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	8,755	81.3%	8,228	79.2%	7,893	79.0%	-4.1%
Refusal of Chemical Test	1,376	12.8%	1,429	13.8%	1,406	14.1%	-1.6%
Drug Metabolite	268	2.5%	398	3.8%	379	3.8%	-4.7%
Not a Drop (< 21)	335	3.1%	314	3.0%	294	2.9%	-6.3%
Commercial Driver (.04)	19	0.2%	12	0.1%	2	<0.1%	-83.3%
Unknown (no box marked)	9	0.1%	2	<0.1%	21	0.2%	950.0%
TOTAL	10,762	100.0%	10,383	100.0%	9,995	100.0%	-3.7%

Source: Utah Department of Public Safety, Driver License Division

Table A10. DUI/Alcohol-related Crashes, Injuries, and Fatalities by Calendar Year

DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah, CY 2009-2018									
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
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%
2014	54,036	2,128	3.9%	23,364	1,377	5.9%	256	45	17.6%
2015	60,012	2,021	3.4%	25,332	1,207	4.8%	278	37	13.3%
2016	62,471	1,970	3.2%	26,738	1,220	4.6%	281	36	12.8%
2017	62,855	1,825	2.9%	25,833	1,149	4.4%	273	36	13.2%
2018	64,340	1,968	3.1%	18,141	1,223	6.7%	260	48	18.5%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/alcohol-related crashes include only those incidents that involved alcohol.
 **DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$.

Table A11. DUI/Drug-related Crashes, Injuries, and Fatalities by Calendar Year

DUI/Drug-Related Crashes, Injuries and Fatalities in Utah, CY 2009-2018									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/Drug-Related Crashes*	Percent DUI/Drug-Related	Total Injured Persons	DUI/Drug-Related Injured Persons	Percent DUI/Drug-Related	Total Crash Fatalities	Drug-Positive Driver Fatalities**	Percent Drug-Positive Related
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%
2014	54,036	636	1.2%	23,364	505	2.2%	256	38	14.8%
2015	60,012	701	1.2%	25,332	459	1.8%	278	67	24.1%
2016	62,471	792	1.3%	26,738	513	1.9%	281	72	25.6%
2017	62,855	1,002	1.6%	25,833	732	2.8%	273	88	32.2%
2018	64,340	1,057	1.6%	18,141	774	4.3%	260	97	37.3%

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.

Table A12. Drug-positive Driver Test Results in Fatal Crashes by Drug Type & Calendar Year

Drug Category	Calendar Year 2009-18									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Stimulants	7	5	14	20	26	7	23	22	41	28
Opioids/Narcotics	8	3	7	7	12	12	14	28	32	16
Marijuana/THC	6	7	15	11	10	21	38	26	27	29
Depressants	10	5	7	9	12	6	20	33	22	27
Dissociative Anesthetics	0	1	0	0	0	0	0	2	4	0
Hallucinogens	0	0	0	1	0	0	2	0	0	1
Other Drug	1	1	2	4	23	7	17	9	2	1
Unknown Type	1	3	4	5	2	1	0	2	13	11

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.

Table A13. DUI-related Cases Disposed by Court Type and Fiscal Year

Court	FY 2017	FY 2018	FY 2019	% Change FY 18 – FY 19
Justice Courts	8,674	8,277	7,725	-6.7%
District Courts	3,243	3,443	3,316	-3.7%
Total Cases Disposed	11,917	11,720	11,041	-5.8%

Source: Utah Administrative Office of the Courts

Table A14. DUI-related Case Disposition Outcomes by Court Type in FY 2019

Court	Case Disposition Outcome		
	Guilty Equivalent*	Not Guilty Equivalent*	Other
Justice Courts	6,035	1,532	158
Percent	78%	20%	2%
District Courts	2,669	501	146
Percent	80%	15%	4%
Total Cases Disposed	8,704	2,033	304
Percent	79%	18%	3%

Source: Utah Administrative Office of the Courts
 Note: This table does not depict the Justice Courts' or District Courts' actual conviction rate, as it includes only cases disposed during FY 2019; pending cases were not included.
 * Guilty-Equivalent = Guilty, No Contest, and Plea in Abeyance; Not Guilty Equivalent = Dismissed, Declined Prosecution, and Not Guilty; Other = Deceased, Diversion, Transferred, and Remanded.

Table A15. DUI-related Case Disposition Outcomes for Justice Courts by County in FY 2019

County	FY 2019 Justice Court DUI-Related Outcomes by County									
	Deceased	Declined Prosecution	Dismissed	Diversion	Guilty	No Contest	Not Guilty	Plea in abeyance	Transferred	Totals
Beaver	0	0	7	0	30	0	0	1	0	38
Box Elder	5	0	29	0	96	3	0	0	0	133
Cache	1	1	36	0	131	5	0	4	0	178
Carbon	0	7	19	0	55	5	0	2	0	88
Daggett	0	0	1	0	7	0	0	0	0	8
Davis	1	0	97	0	389	9	1	3	0	500
Duchesne	0	0	8	0	26	1	0	0	0	35
Emery	0	1	4	0	29	3	0	0	0	37
Garfield	0	0	11	0	20	0	0	0	0	31
Grand	0	7	13	0	51	2	0	1	0	74
Iron	2	0	29	0	99	8	0	1	0	139
Juab	2	2	30	0	69	1	0	2	0	106
Kane	0	1	4	0	24	0	1	0	0	30
Millard	0	0	27	0	36	2	0	8	0	73
Morgan	0	0	7	0	16	1	0	0	0	24
Piute	0	0	0	0	1	0	0	0	0	1
Rich	0	0	2	0	3	1	0	0	0	6
Salt Lake	6	1	675	0	2,184	64	14	15	0	2,959
San Juan	0	0	11	0	67	2	0	1	0	81
Sanpete	0	0	9	0	41	6	1	3	0	60
Sevier	0	1	42	5	92	5	0	10	0	155
Summit	0	2	41	0	112	6	0	5	0	166
Tooele	6	1	69	0	270	3	0	3	0	352
Uintah	0	2	16	0	109	7	1	0	0	135
Utah	6	4	210	1	740	124	1	12	0	1,098
Wasatch	0	2	49	0	84	13	1	11	0	160
Washington	2	5	47	0	263	26	1	6	0	350
Wayne	0	0	0	0	2	0	0	0	0	2
Weber	8	2	92	0	543	54	0	7	0	706
Totals	39	39	1,585	6	5,589	351	21	95	0	7,725
Percent	1%	1%	21%	<1%	72%	5%	<1%	1%	0%	100.0%

Source: Utah Administrative Office of the Courts
 Note: This table does not depict the Justice Courts' actual conviction rate, as it includes only cases disposed during FY 2019; pending cases were not included.

Table A16. DUI-related Case Disposition Outcomes for District Courts by District in FY 2019

Judicial District	FY 2019 District Court DUI-Related Outcomes by Judicial District										
	Deceased	Declined Prosecution	Dismissed	Diversion	Guilty	No Contest	Not Guilty	Plea in abeyance	Remanded	Transferred	Totals
1 st	1	0	38	0	151	1	0	2	0	0	193
2 nd	3	0	54	0	530	7	0	5	0	6	605
3 rd	1	0	205	0	725	7	5	3	0	58	1,004
4 th	4	0	138	0	592	90	0	18	0	33	875
5 th	1	0	31	0	183	4	0	11	0	0	230
6 th	1	0	30	0	164	0	0	5	0	0	200
7 th	0	0	24	0	73	1	0	0	0	0	98
8 th	0	0	12	0	95	1	0	1	0	2	111
Totals	11	0	532	0	2,513	111	5	45	0	99	3,316
Percent	<1%	0%	16%	0%	76%	3%	<1%	1%	0%	3%	100.0%

Source: Utah Administrative Office of the Courts
 Note: This table does not depict the District Courts' actual conviction rate, as it includes only cases disposed during FY 2019; pending cases were not included.

Table A17. Sanctions in DUI-related Cases by Court Type and Fiscal Year

DUI-Related Case Information and Sanctions	FY 2017	FY 2018	FY 2019
Number of Justice Courts Providing Data	116	118	121
Blood/Breath Alcohol Content (BAC) Known	5,410	5,384	4,363
Justice Courts	4,672	4,462	3,476
District Courts	738	922	887
Ignition Interlock Ordered	1,511	1,463	1,302
Justice Courts	1,131	1,053	838
District Courts	380	410	464
Supervised (Non-Court) Probation	4,168	4,005	3,960
Justice Courts	2,703	2,429	2,172
District Courts	1,465	1,576	1,788
Electronic Monitoring	628	629	747
Justice Courts	397	397	458
District Courts	231	232	289

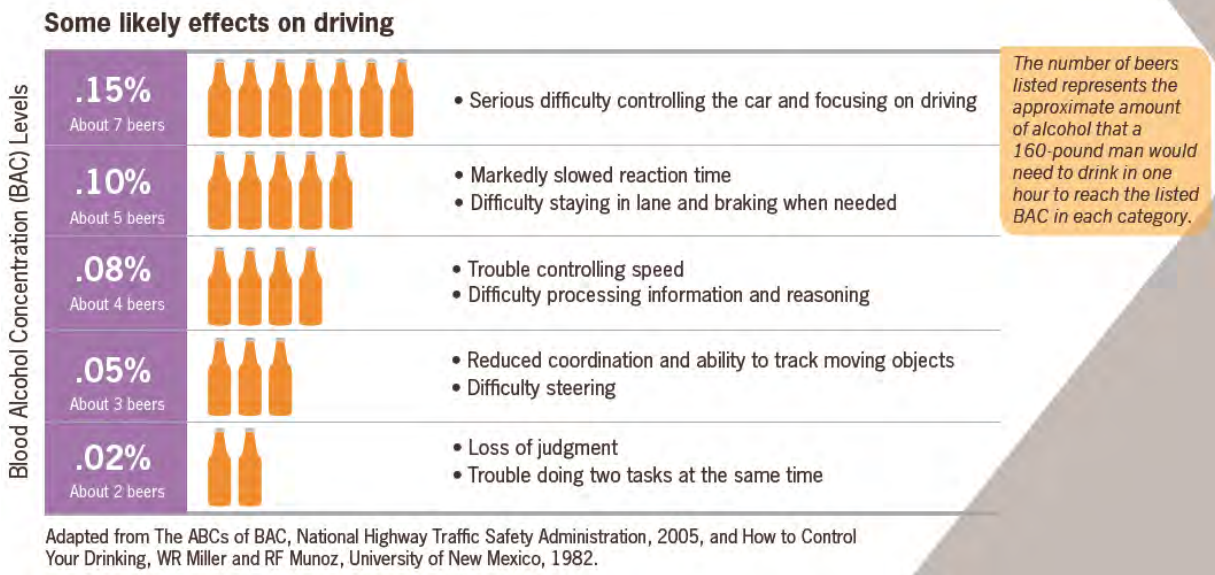
Source: Utah Administrative Office of the Courts

Table A18. Court Orders for Substance Use Disorder Screening and Assessment, Substance Use Treatment, and Educational Series by Court Type and Fiscal Year

DUI-Related Case Court Orders	FY 2017	FY 2018	FY 2019
Substance Use Disorder Screening & Assessment Ordered	5,622	5,731	5,572
Justice Courts	4,621	4,558	4,271
District Courts	1,001	1,173	1,301
Substance Used Disorder Treatment Ordered	4,070	4,436	4,417
Justice Courts	2,856	3,018	2,985
District Courts	1,214	1,418	1,432
Educational Series Ordered	3,624	3,461	3,223
Justice Courts	3,223	2,985	2,803
District Courts	401	476	420

Source: Utah Administrative Office of the Courts

Figure A1. Blood Alcohol Concentration and Likely Effects on Driving⁵



⁵ Centers for Disease Control and Prevention Vital signs, *Drinking and Driving: A Threat to Everyone*, October 2011.

UTAH DUI SENTENCING MATRIX

(Current as of May 14, 2019)

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 if driving in the wrong direction on a freeway or controlled-access highway 	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 if driving in the wrong direction on a freeway or controlled-access highway 	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	SHALL order: 240 hours (10 days) OR 120 hours (5 days) AND 720 consecutive hours (30 days) electronic home confinement ² that includes substance abuse testing	SHALL order: 0-5 year prison term OR 1,500 hours jail (62.5 days)
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$50 court security fee	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$50 court security fee	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$50 court security fee, unless a 0-5 prison term is imposed
Screening, Assessment, Educational Series, and 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 Treatment as appropriate, unless 0-5 prison term is imposed Supervised probation, unless 0-5 prison term is not imposed
Supervised Probation³ (§41-6a-507)	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition Interlock⁴ (§41-6a-518) (§41-6a-530)	MAY order: <ul style="list-style-type: none"> Ignition interlock, unless violation does not involve alcohol SHALL order: <ul style="list-style-type: none"> Interlock if under 21, unless violation does not involve alcohol Interlock for an ARD⁵ violation OR describe on the record why such order not appropriate 	SHALL order: <ul style="list-style-type: none"> Ignition interlock, unless violation does not involve alcohol SHALL order: <ul style="list-style-type: none"> Interlock if under 21, unless violation does not involve alcohol Interlock for an ARD⁵ violation OR describe on the record why such order not appropriate 	SHALL order: <ul style="list-style-type: none"> Ignition interlock, unless violation does not involve alcohol SHALL order: <ul style="list-style-type: none"> Interlock if under 21, unless violation does not involve alcohol 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 probation Treatment and interlock and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement OR describe on the record why such order(s) not appropriate 	SHALL order: <ul style="list-style-type: none"> Supervised probation Treatment and interlock and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement OR describe on the record why such order(s) not appropriate 	SHALL order: <ul style="list-style-type: none"> Supervised probation if 0-5 prison term is not imposed Treatment and interlock and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement 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

¹ A 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.

² See §41-6a-506 for electronic home confinement provisions.

³ Supervised probation is also required for all violations of §41-6a-517 (driving with any measurable controlled substance or metabolite in the body).

⁴ Adoption 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.

⁵ ARD = Alcohol 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)	If 21 or older: 120 days If 19-20: Longer of one year or until 21 st birthday If under 19: Until 21 st birthday 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.	If 21 or older: 2 years If 19-20: Longer of 2 years or until 21 st birthday If under 19: Until 21 st birthday
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	If 21 or older: 120 days If 19-20: Longer of one year or until 21 st birthday If under 19: Until 21 st birthday 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.	If 21 or older: 2 years If 19-20: Longer of two years or until 21 st birthday If under 19: Until 21 st birthday
Refusal of Chemical Test (§41-6a-521)	If 21 or older: 18 months If under 21: Longer of 2 years or until 21 st Birthday	If 21 or older: 36 months If under 21: Longer of 36 months or until 21 st birthday
Per se Arrest (§53-3-223) <small>≥ .05 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system</small>	If 21 or older: 120 days If under 21: 6 months	If 21 or older: 2 years If under 21: Longer of 2 years or until 21 st birthday
Not A Drop (§53-3-231) <small>A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body</small>	If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months	If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21 st birthday
Failure to Install or Removal of Ignition Interlock Device (§53-3-1007)	A person who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an 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 interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.	
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.</small>	<ul style="list-style-type: none"> • 18 months IRD for 1st DUI (§41-6a-502) if over 21 unless conviction does not involve alcohol • 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) under 21, unless violation does not involve alcohol • 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), unless all convictions are under §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) 	
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>Note: If Per se is drug only or metabolite, ARD does not apply.</small></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) 	



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