

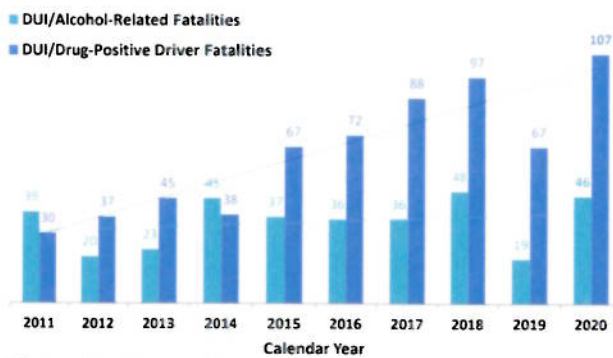
# HB 143 DUI Penalty Amendments

## Representative Merrill Nelson

- HB 143 increases a second DUI in ten years from a class B to a class A misdemeanor.
- The bill *does not* change the existing mandatory minimum penalties.
- It will move the offense from a local justice court (a court not of record), to a state district court, which will allow courts to order AP&P supervision [Utah Code §77-18-105(5)].
- Other crimes have similar escalating classifications for repeat offenders (i.e. Domestic Violence, Theft).
- This bill will allow appellate courts to review more DUI convictions and improve case law for DUI in Utah [78A-7-118(1)&(8)].



## Utah's 2021 DUI Statistics



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  $\geq .08$  ( $\geq .05$  starting January 1, 2019). DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of  $< .08$  ( $< .05$  starting January 1, 2019). Drug presence does not imply impairment.

Our goal in Utah is always zero fatalities on our roadways, and we **continue to see an increase in DUI fatalities (see left image)\***.

**Alcohol and drug-related crashes have increased slightly in 2020 even with total automobile crashes dropping to their lowest level since 2012.**

Our Utah 2021 DUI Report\* shows an ongoing need to address repeat DUI offenders: 70% of arrests were for a first offense, 19% had one prior offense, and 11% were for a third or subsequent offenses with the ultimate goal of eliminating repeat offenders.

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. The level of treatment needed (e.g., day treatment, outpatient, intensive outpatient, residential) is determined by the assessment based on the severity of the substance use disorder. In FY 2021, Justice Court judges ordered offenders to complete substance use disorder treatment in 3,028 cases, which was 52% of the cases with a guilty plea or verdict, a decrease from 61% in FY 2020. **District Court judges were somewhat more likely to order treatment**, with orders in 1,486 cases (62% of cases with a guilty plea or verdict).

First-Time vs. Repeat Offenders		
1st Offense	2nd	3rd +
70.0%	19.4%	10.6%

\*<https://justice.utah.gov/wp-content/uploads/2021-DUI-Annual-Report-Final-Updated.pdf>

## HB143 is supported by:

- Mothers Against Drunk Driving
- Salt Lake County District Attorney
- Statewide Association of Prosecutors
- Utah Substance Abuse & Mental Health Advisory Council (USAAV+)
- USAAV+ DUI Committee
- Utah Sentencing Commission
- Utah Council on Victims of Crime
- \*Utah Law Enforcement Legislative Committee
- Utah Parent Teacher Association

