

# H.B. 423

## DUI Offense Amendments

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## HOW HB 423 FIXES THE PROBLEM

### ALIGNS PENALTIES FOR FATAL HIT-AND-RUN WITH AUTOMOBILE HOMICIDE

- Current law treats fatal hit-and-run as a 3rd-degree felony, while automobile homicide is a 2nd-degree felony with a mandatory minimum.
- This can incentivize impaired drivers to flee and sober up to avoid harsher penalties.
- HB 423 removes this perverse incentive.

### ENHANCES PENALTIES FOR FLEEING DRIVERS, ESPECIALLY FOR REPEAT OFFENDERS

- DUI offenses carry stronger enhancements than hit-and-run offenses, encouraging some repeat offenders to flee.
- Under current law, fleeing can result in a lesser penalty than staying at the scene.
- HB 423 corrects this imbalance with higher offense levels and mandatory consequences.

### CREATES AN INCENTIVE TO ENCOURAGE SELF-REPORTING

- Applies only to enhancements based on prior convictions.
- Offenders qualify if they turn themselves in within 6 hours.
- The hit-and-run cannot be enhanced based on prior convictions.

### PROVIDES AN INCENTIVE TO SELF-REPORT EVEN IF THE 6-HOUR WINDOW IS MISSED

- Later self-reporting must be treated as a mitigating factor at sentencing.
- Encourages accountability even when reporting is delayed.

## BACKGROUND

- Hit-and-run crashes in Utah spiked during the pandemic and remain stubbornly high.
- 3,901 hit-and-run crashes in 2020; averaging 5,000+ per year through 2024.
- Includes crashes involving property damage, serious injury, and death.
- Current law can incentivize fleeing, especially for impaired drivers seeking to avoid harsher penalties.

## WHY THIS MATTERS

- Fleeing the scene creates a clear public safety risk.
- Immediate assistance can be lifesaving.
- Delays in reporting can delay critical medical care and complicate investigations.

## POLICY GOAL

- Encourage drivers to stop and render aid.
- If they do not stop immediately, encourage them to self-report to law enforcement as soon as possible.

## BOTTOM LINE

- HB 423 realigns incentives so that stopping, helping, and reporting is always the better choice.
- It promotes public safety, fairness, and accountability—without rewarding flight.

