

## **Part 5 Programs for DUI Drivers**

### **62A-15-501 DUI -- Legislative policy -- Rehabilitation treatment and evaluation -- Use of victim impact panels.**

The Legislature finds that drivers impaired by alcohol or drugs constitute a major problem in this state and that the problem demands a comprehensive detection, intervention, education, and treatment program including emergency services, outpatient treatment, detoxification, residential care, inpatient care, medical and psychological care, social service care, vocational rehabilitation, and career counseling through public and private agencies. It is the policy of this state to provide those programs at the expense of persons convicted of driving while under the influence of intoxicating liquor or drugs. It is also the policy of this state to utilize victim impact panels to assist persons convicted of driving under the influence of intoxicating liquor or drugs to gain a full understanding of the severity of their offense.

Amended by Chapter 81, 2009 General Session

### **62A-15-502 Penalty for DUI conviction -- Amounts.**

- (1) Courts of record and not of record may at sentencing assess against the defendant, in addition to any fine, an amount that will fully compensate agencies that treat the defendant for their costs in each case where a defendant is convicted of violating:
  - (a) Section 41-6a-502 or 41-6a-517;
  - (b) a criminal prohibition resulting from a plea bargain after an original charge of violating Section 41-6a-502; or
  - (c) an ordinance that complies with the requirements of Subsection 41-6a-510(1).
- (2) The fee assessed shall be collected by the court or an entity appointed by the court.

Amended by Chapter 2, 2005 General Session

### **62A-15-502.5 Intoxicated Driver Rehabilitation Account -- Created.**

- (1) There is created a restricted account within the General Fund known as the "Intoxicated Driver Rehabilitation Account."
- (2) The restricted account created in Subsection (1) consists of assessments as provided for in Section 62A-15-503.
- (3) Upon appropriations from the Legislature, money from the account created in Subsection (1) shall be used as prescribed in Section 62A-15-503.

Enacted by Chapter 278, 2010 General Session

### **62A-15-503 Assessments for DUI -- Use of money for rehabilitation programs, including victim impact panels -- Rulemaking power granted.**

- (1) Assessments imposed under Section 62A-15-502 may, pursuant to court order, either:
  - (a) be collected by the clerk of the court in which the person was convicted; or
  - (b) be paid directly to the licensed alcohol or drug treatment program. Those assessments collected by the court shall either be:
    - (i) forwarded to the state treasurer for credit to the Intoxicated Driver Rehabilitation Account created by Section 62A-15-502.5; or

- (ii) forwarded to a special nonlapsing account created by the county treasurer of the county in which the fee is collected.
- (2) Proceeds of the accounts described in Subsection (1) shall be used exclusively for the operation of licensed alcohol or drug rehabilitation programs and education, assessment, supervision, and other activities related to and supporting the rehabilitation of persons convicted of driving while under the influence of intoxicating liquor or drugs. A requirement of the rehabilitation program shall be participation with a victim impact panel or program providing a forum for victims of alcohol or drug related offenses and defendants to share experiences on the impact of alcohol or drug related incidents in their lives. The Division of Substance Abuse and Mental Health shall establish guidelines to implement victim impact panels where, in the judgment of the licensed alcohol or drug program, appropriate victims are available, and shall establish guidelines for other programs where such victims are not available.
- (3) None of the assessments shall be maintained for administrative costs by the division.

Amended by Chapter 278, 2010 General Session

**62A-15-504 Policy -- Alternatives to incarceration.**

It is the policy of this state to provide adequate and appropriate health and social services as alternatives to incarceration for public intoxication.

Renumbered and Amended by Chapter 8, 2002 Special Session 5

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