

DRUNK DRIVING AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to driving under the influence.

Highlighted Provisions:

This bill:

- ▶ clarifies that a person who is convicted of certain driving under the influence violations is an ignition interlock restricted driver; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-505, as enacted by Laws of Utah 2005, Chapter 2

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

Section 1. Section **41-6a-505** is amended to read:

41-6a-505. Sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both violations.



- 28 (1) As part of any sentence for a first conviction of Section 41-6a-502:
- 29 (a) the court shall:
- 30 (i) (A) impose a jail sentence of not less than 48 consecutive hours;
- 31 (B) require the person to work in a compensatory-service work program for not less
- 32 than 48 hours; or
- 33 (C) require the person to participate in home confinement through the use of electronic
- 34 monitoring in accordance with Section 41-6a-506;
- 35 (ii) order the person to participate in a screening;
- 36 (iii) order the person to participate in an assessment, if it is found appropriate by a
- 37 screening under Subsection (1)(a)(ii);
- 38 (iv) order the person to participate in an educational series if the court does not order
- 39 substance abuse treatment as described under Subsection (1)(b);
- 40 (v) impose a fine of not less than \$700; [~~and~~]
- 41 (vi) order probation for the person in accordance with Section 41-6a-507, if there is
- 42 admissible evidence that the person had a blood alcohol level of .16 or higher; and
- 43 (vii) order compliance with the interlock restricted driver requirements in accordance
- 44 with Section 41-6a-518.2; and
- 45 (b) the court may:
- 46 (i) order the person to obtain substance abuse treatment if the substance abuse
- 47 treatment program determines that substance abuse treatment is appropriate; or
- 48 (ii) order probation for the person in accordance with Section 41-6a-507.
- 49 (2) If a person is convicted under Section 41-6a-502 within 10 years of a prior
- 50 conviction as defined in Subsection 41-6a-501(2):
- 51 (a) the court shall:
- 52 (i) (A) impose a jail sentence of not less than 240 consecutive hours;
- 53 (B) require the person to work in a compensatory-service work program for not less
- 54 than 240 hours; or
- 55 (C) require the person to participate in home confinement through the use of electronic
- 56 monitoring in accordance with Section 41-6a-506;
- 57 (ii) order the person to participate in a screening;
- 58 (iii) order the person to participate in an assessment, if it is found appropriate by a

59 screening under Subsection (2)(a)(ii);

60 (iv) order the person to participate in an educational series if the court does not order
61 substance abuse treatment as described under Subsection (2)(b);

62 (v) impose a fine of not less than \$800; ~~and~~

63 (vi) order probation for the person in accordance with Section 41-6a-507; and

64 (vii) order compliance with the interlock restricted driver requirements in accordance
65 with Section 41-6a-518.2; and

66 (b) the court may order the person to obtain substance abuse treatment if the substance
67 abuse treatment program determines that substance abuse treatment is appropriate.

68 (3) Under Subsection 41-6a-503(2), if the court suspends the execution of a prison
69 sentence and places the defendant on probation:

70 (a) the court shall impose:

71 (i) a fine of not less than \$1,500;

72 (ii) a jail sentence of not less than 1,500 hours;

73 (iii) supervised probation; and

74 (iv) an order requiring the person to obtain a screening and assessment and substance
75 abuse treatment at a substance abuse treatment program providing intensive care or inpatient
76 treatment and long-term closely supervised follow-through after treatment for not less than 240
77 hours; and

78 (b) the court may require the person to participate in home confinement through the use
79 of electronic monitoring in accordance with Section 41-6a-506.

80 (4) (a) The requirements of Subsections (1)(a), (2)(a), and (3)(a) may not be suspended.

81 (b) Probation or parole resulting from a conviction for a violation under this section
82 may not be terminated.

83 (5) If a person is convicted of a violation of Section 41-6a-502 and there is admissible
84 evidence that the person had a blood alcohol level of .16 or higher, the court;

85 (a) shall order compliance with the interlock restricted driver requirements in
86 accordance with Section 41-6a-518.2;

87 (b) shall order the following, or describe on record why the order or orders are not
88 appropriate:

89 ~~(a)~~ (i) treatment as described under Subsection (1)(b), (2)(b), or (3)(a)(iv); and

- 90 [~~(b)~~] (ii) one or both of the following:
- 91 [~~(i)~~] (A) the installation of an ignition interlock system as a condition of probation for
- 92 the person in accordance with Section 41-6a-518; or
- 93 [~~(i)~~] (B) the imposition of home confinement through the use of electronic monitoring
- 94 in accordance with Section 41-6a-506.

Legislative Review Note
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Office of Legislative Research and General Counsel