



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

58 (C) require the person to participate in home confinement of not fewer than 240  
59 consecutive hours through the use of electronic monitoring in accordance with Section  
60 41-6a-506;

61 (ii) order the person to participate in a screening;

62 (iii) order the person to participate in an assessment, if it is found appropriate by a  
63 screening under Subsection (2)(a)(ii);

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

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

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

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

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

72 (a) the court shall impose:

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

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

75 (iii) supervised probation; and

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

80 (b) in lieu of Subsection (3)(a)(ii), the court may require the person to participate in  
81 home confinement of not fewer than 1,500 hours through the use of electronic monitoring in  
82 accordance with Section 41-6a-506.

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

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

86 (5) If a person is convicted of a violation of Section 41-6a-502 and there is admissible  
87 evidence that the person had a blood alcohol level of .16 or higher, the court shall order the  
88 following, or describe on record why the order or orders are not appropriate:

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

90 (b) one or more of the following:

91 (i) the installation of an ignition interlock system as a condition of probation for the  
92 person in accordance with Section 41-6a-518;

93 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring  
94 device as a condition of probation for the person; or

95 (iii) the imposition of home confinement through the use of electronic monitoring in  
96 accordance with Section 41-6a-506.