

Representative Edward H. Redd proposes the following substitute bill:

**MINOR ALCOHOL OR DRUG RELATED OFFENSES AND
DRIVING PRIVILEGES**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Edward H. Redd

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to sentencing requirements for certain alcohol or drug related offenses.

Highlighted Provisions:

This bill:

- ▶ authorizes a court to order a screening, an assessment, and an educational series or substance abuse treatment if found appropriate by the screening or assessment for a first violation of certain alcohol related offenses committed by minors;
- ▶ requires a court to order a screening, an assessment, and an educational series or substance abuse treatment if found appropriate by the screening or assessment for a second or subsequent violation of certain alcohol related offenses committed by minors;
- ▶ authorizes a court to reduce a driver license suspension period for certain alcohol or drug related offenses committed by minors;
- ▶ amends the requirements for a court to reduce a driver license suspension period for certain alcohol or drug related offenses committed by minors; and
- ▶ makes conforming and technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **32B-4-409**, as last amended by Laws of Utah 2014, Chapter 314

33 **32B-4-410**, as last amended by Laws of Utah 2014, Chapter 314

34 **32B-4-411**, as enacted by Laws of Utah 2010, Chapter 276

35 **53-3-220**, as last amended by Laws of Utah 2010, Chapters 276 and 374

36 **76-9-701**, as last amended by Laws of Utah 2014, Chapter 314

37 **78A-6-606**, as last amended by Laws of Utah 2014, Chapter 314



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

40 Section 1. Section **32B-4-409** is amended to read:

41 **32B-4-409. Unlawful purchase, possession, consumption by minor -- Measurable**
42 **amounts in body.**

43 (1) Unless specifically authorized by this title, it is unlawful for a minor to:

44 (a) purchase an alcoholic product;

45 (b) attempt to purchase an alcoholic product;

46 (c) solicit another person to purchase an alcoholic product;

47 (d) possess an alcoholic product;

48 (e) consume an alcoholic product; or

49 (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

50 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic
51 product for a minor for:

52 (a) a minor to misrepresent the minor's age; or

53 (b) any other person to misrepresent the age of a minor.

54 (3) It is unlawful for a minor to possess or consume an alcoholic product while riding
55 in a limousine or chartered bus.

56 (4) (a) If a minor is found by a court to have violated this section and the violation is

57 the minor's ~~[second or subsequent]~~ first violation of this section, the court may:

58 ~~[(a) shall order the minor to participate in an educational series as defined in Section~~

59 ~~41-6a-501; and]~~

60 ~~[(b) may order the minor to participate in a screening as defined in Section 41-6a-501.]~~

61 (i) order the minor to complete a screening as defined in Section 41-6a-501;

62 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the

63 screening indicates an assessment to be appropriate; and

64 (iii) order the minor to complete an educational series as defined in Section 41-6a-501

65 or substance abuse treatment as indicated by an assessment.

66 (b) If a minor is found by a court to have violated this section and the violation is the

67 minor's second or subsequent violation of this section, the court shall:

68 (i) order the minor to complete a screening as defined in Section 41-6a-501;

69 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the

70 screening indicates an assessment to be appropriate; and

71 (iii) order the minor to complete an educational series as defined in Section 41-6a-501

72 or substance abuse treatment as indicated by an assessment.

73 (5) (a) When a minor who is at least 18 years old, but younger than 21 years old, is

74 found by a court to have violated this section, except as provided in Section 32B-4-411, the

75 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

76 (b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the

77 suspension period required under Section 53-3-219 if:

78 (i) the violation is the minor's first violation of this section; and

79 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501[-];

80 or

81 (B) the minor demonstrates substantial progress in substance abuse treatment.

82 (c) Notwithstanding the requirement in Subsection (5)(a) and in accordance with the

83 requirements of Section 53-3-219, the court may reduce the suspension period required under

84 Section 53-3-219 if:

85 (i) the violation is the minor's second or subsequent violation of this section; ~~[and]~~

86 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or

87 demonstrated substantial progress in substance abuse treatment; and

88 [(it)] (iii) (A) the person is 18 years of age or older and provides a sworn statement to
89 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
90 consecutive period during the suspension period imposed under Subsection (5)(a); or

91 (B) the person is under 18 years of age and has the person's parent or legal guardian
92 provide an affidavit or sworn statement to the court certifying that to the parent or legal
93 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
94 one-year consecutive period during the suspension period imposed under Subsection (5)(a).

95 (6) When a minor who is at least 13 years old, but younger than 18 years old, is found
96 by the court to have violated this section, Section 78A-6-606 applies to the violation.

97 (7) When a court issues an order suspending a person's driving privileges for a
98 violation of this section, the Driver License Division shall suspend the person's license under
99 Section 53-3-219.

100 (8) When the Department of Public Safety receives the arrest or conviction record of a
101 person for a driving offense committed while the person's license is suspended pursuant to this
102 section, the Department of Public Safety shall extend the suspension for an additional like
103 period of time.

104 (9) This section does not apply to a minor's consumption of an alcoholic product in
105 accordance with this title:

106 (a) for medicinal purposes if:

107 (i) the minor is at least 18 years old; or

108 (ii) the alcoholic product is furnished by:

109 (A) the parent or guardian of the minor; or

110 (B) the minor's health care practitioner, if the health care practitioner is authorized by
111 law to write a prescription; or

112 (b) as part of a religious organization's religious services.

113 Section 2. Section 32B-4-410 is amended to read:

114 **32B-4-410. Unlawful admittance or attempt to gain admittance by minor.**

115 (1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the
116 premises of:

117 (a) a tavern; or

118 (b) a social club licensee, except to the extent authorized by Section 32B-6-406.1.

- 119 (2) A minor who violates this section is guilty of a class C misdemeanor.
- 120 (3) (a) If a minor is found by a court to have violated this section and the violation is
121 the minor's [~~second or subsequent~~] first violation of this section, the court may:
- 122 [~~(a) shall order the minor to participate in an educational series as defined in Section~~
123 ~~41-6a-501; and]~~
- 124 [~~(b) may order the minor to participate in a screening as defined in Section 41-6a-501.]~~
- 125 (i) order the minor to complete a screening as defined in Section 41-6a-501;
- 126 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
127 screening indicates an assessment to be appropriate; and
- 128 (iii) order the minor to complete an educational series as defined in Section 41-6a-501
129 or substance abuse treatment as indicated by an assessment.
- 130 (b) If a minor is found by a court to have violated this section and the violation is the
131 minor's second or subsequent violation of this section, the court shall:
- 132 (i) order the minor to complete a screening as defined in Section 41-6a-501;
- 133 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
134 screening indicates an assessment to be appropriate; and
- 135 (iii) order the minor to complete an educational series as defined in Section 41-6a-501
136 or substance abuse treatment as indicated by an assessment.
- 137 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
138 found by a court to have violated this section, except as provided in Section 32B-4-411, the
139 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.
- 140 (b) Notwithstanding the provision in Subsection (4)(a), the court may reduce the
141 suspension period required under Section 53-3-219 if:
- 142 (i) the violation is the minor's first violation of this section; and
- 143 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501[-];
144 or
- 145 (B) the minor demonstrates substantial progress in substance abuse treatment.
- 146 (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the
147 requirements of Section 53-3-219, the court may reduce the suspension period required under
148 Section 53-3-219 if:
- 149 (i) the violation is the minor's second or subsequent violation of this section; [~~and]~~

150 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
151 demonstrated substantial progress in substance abuse treatment; and

152 [~~(ii)~~] (iii) (A) the person is 18 years of age or older and provides a sworn statement to
153 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
154 consecutive period during the suspension period imposed under Subsection (4)(a); or

155 (B) the person is under 18 years of age and has the person's parent or legal guardian
156 provide an affidavit or sworn statement to the court certifying that to the parent or legal
157 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
158 one-year consecutive period during the suspension period imposed under Subsection (4)(a).

159 (5) When a minor who is at least 13 years old, but younger than 18 years old, is found
160 by a court to have violated this section, Section 78A-6-606 applies to the violation.

161 (6) When a court issues an order suspending a person's driving privileges for a
162 violation of this section, the Driver License Division shall suspend the person's license under
163 Section 53-3-219.

164 (7) When the Department of Public Safety receives the arrest or conviction record of a
165 person for a driving offense committed while the person's license is suspended pursuant to this
166 section, the Department of Public Safety shall extend the suspension for an additional like
167 period of time.

168 Section 3. Section 32B-4-411 is amended to read:

169 **32B-4-411. Minor's unlawful use of proof of age.**

170 (1) As used in this section, "proof of age violation" means a violation by a minor of:

171 (a) Chapter 1, Part 4, Proof of Age Act; or

172 (b) if as part of the violation the minor uses a proof of age in violation of Chapter 1,
173 Part 4, Proof of Age Act:

174 (i) Section 32B-4-409; or

175 (ii) Section 32B-4-410.

176 (2) If a court finds a minor engaged in a proof of age violation, notwithstanding the
177 penalties provided for in Subsection (1):

178 (a) (i) for a first violation, the minor is guilty of a class B misdemeanor;

179 (ii) for a second violation, the minor is guilty of a class A misdemeanor; and

180 (iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor,

181 except that the court may impose:

182 (A) a fine of up to \$5,000;

183 (B) screening, assessment, or substance abuse treatment, as defined in Section
184 41-6a-501;

185 (C) an educational series, as defined in Section 41-6a-501;

186 (D) alcoholic product related community service or compensatory service work
187 program hours;

188 (E) fees for restitution and treatment costs;

189 (F) defensive driver education courses; or

190 (G) a combination of these penalties; and

191 (b) (i) for a minor who is at least 13 years old, but younger than 18 years old:

192 (A) the court shall forward to the Driver License Division a record of an adjudication
193 under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under this section; and

194 (B) the provisions regarding suspension of a driver license under Section 78A-6-606
195 apply; and

196 (ii) for a minor who is at least 18 years old, but younger than 21 years old:

197 (A) the court shall forward to the Driver License Division a record of conviction for a
198 violation under this section; and

199 (B) the Driver License Division shall suspend the person's license under Section
200 53-3-220.

201 (3) (a) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the
202 suspension period under Subsection 53-3-220(1)(e) or 78A-6-606(2)(d) if:

203 (i) the violation is the minor's first violation of Section 32B-4-411; and

204 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or

205 (B) the minor demonstrates substantial progress in substance abuse treatment.

206 (b) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the
207 suspension period under Subsection 53-3-220(1)(e) or 78A-6-606(2)(d) if:

208 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;

209 (ii) the person has completed an educational series as defined in Section 41-6a-501 or
210 demonstrated substantial progress in substance abuse treatment; and

211 (iii) (A) the person is 18 years of age or older and provides a sworn statement to the

212 court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
213 consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or
214 78A-6-606(2)(d); or

215 (B) the minor is under 18 years of age and has the minor's parent or legal guardian
216 provide an affidavit or sworn statement to the court certifying that to the parent or legal
217 guardian's knowledge the minor has not unlawfully consumed alcohol or drugs for at least a
218 one-year consecutive period during the suspension period imposed under Subsection
219 53-3-220(1)(e) or 78A-6-606(2)(d).

220 [~~3~~] (4) When the Department of Public Safety receives the arrest or conviction record
221 of an individual for a driving offense committed while the individual's license is suspended
222 pursuant to this section, the Department of Public Safety shall extend the suspension for an
223 additional like period of time.

224 [~~4~~] (5) A court may not fail to enter a judgment of conviction under this section under
225 a plea in abeyance agreement.

226 Section 4. Section 53-3-220 is amended to read:

227 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**
228 **disqualification of license -- Offense requiring an extension of period -- Hearing --**
229 **Limited driving privileges.**

230 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter
231 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or
232 disqualification, the division shall deny, suspend, or disqualify the license of a person upon
233 receiving a record of the person's conviction for:

234 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or
235 automobile homicide under Section 76-5-207 or 76-5-207.5;

236 (ii) driving or being in actual physical control of a motor vehicle while under the
237 influence of alcohol, any drug, or combination of them to a degree that renders the person
238 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited
239 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

240 (iii) driving or being in actual physical control of a motor vehicle while having a blood
241 or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance
242 that complies with the requirements of Subsection 41-6a-510(1);

- 243 (iv) perjury or the making of a false affidavit to the division under this chapter, Title
244 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or
245 regulating driving on highways;
- 246 (v) any felony under the motor vehicle laws of this state;
- 247 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- 248 (vii) failure to stop and render aid as required under the laws of this state if a motor
249 vehicle accident results in the death or personal injury of another;
- 250 (viii) two charges of reckless driving, impaired driving, or any combination of reckless
251 driving and impaired driving committed within a period of 12 months; but if upon a first
252 conviction of reckless driving or impaired driving the judge or justice recommends suspension
253 of the convicted person's license, the division may after a hearing suspend the license for a
254 period of three months;
- 255 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as
256 required in Section [41-6a-210](#);
- 257 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that
258 requires disqualification;
- 259 (xi) a felony violation of Section [76-10-508](#) or [76-10-508.1](#) involving discharging or
260 allowing the discharge of a firearm from a vehicle;
- 261 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or
262 incendiary device from a vehicle in violation of Subsection [76-10-306\(4\)\(b\)](#);
- 263 (xiii) operating or being in actual physical control of a motor vehicle while having any
264 measurable controlled substance or metabolite of a controlled substance in the person's body in
265 violation of Section [41-6a-517](#);
- 266 (xiv) until July 30, 2015, operating or being in actual physical control of a motor
267 vehicle while having any alcohol in the person's body in violation of Section [53-3-232](#);
- 268 (xv) operating or being in actual physical control of a motor vehicle while having any
269 measurable or detectable amount of alcohol in the person's body in violation of Section
270 [41-6a-530](#);
- 271 (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in
272 violation of Section [41-6a-606](#);
- 273 (xvii) operating or being in actual physical control of a motor vehicle in this state

274 without an ignition interlock system in violation of Section 41-6a-518.2; or

275 (xviii) custodial interference, under:

276 (A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless
277 the court provides the division with an order of suspension for a shorter period of time;

278 (B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless
279 the court provides the division with an order of suspension for a shorter period of time; or

280 (C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless
281 the court provides the division with an order of suspension for a shorter period of time.

282 (b) The division shall immediately revoke the license of a person upon receiving a
283 record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:

284 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or
285 allowing the discharge of a firearm from a vehicle; or

286 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or
287 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

288 (c) Except when action is taken under Section 53-3-219 for the same offense, the
289 division shall immediately suspend for six months the license of a person upon receiving a
290 record of conviction for:

291 (i) any violation of:

292 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

293 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

294 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

295 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

296 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

297 (ii) any criminal offense that prohibits:

298 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance
299 that is prohibited under the acts described in Subsection (1)(c)(i); or

300 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or
301 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).

302 (d) (i) The division shall immediately suspend a person's driver license for conviction
303 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:

304 (A) an order from the sentencing court requiring that the person's driver license be

305 suspended; and

306 (B) a record of the conviction.

307 (ii) An order of suspension under this section is at the discretion of the sentencing
308 court, and may not be for more than 90 days for each offense.

309 (e) (i) The division shall immediately suspend for one year the license of a person upon
310 receiving a record of:

311 (A) conviction for the first time for a violation under Section 32B-4-411; or

312 (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a
313 violation under Section 32B-4-411.

314 (ii) The division shall immediately suspend for a period of two years the license of a
315 person upon receiving a record of:

316 (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and

317 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior
318 conviction for a violation under Section 32B-4-411; or

319 (B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court
320 Act of 1996, for a violation under Section 32B-4-411; and

321 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior
322 adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under
323 Section 32B-4-411.

324 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

325 (A) for a conviction or adjudication described in Subsection (1)(e)(i):

326 (I) impose a suspension for one year beginning on the date of conviction; or

327 (II) if the person is under the age of eligibility for a driver license, impose a suspension
328 that begins on the date of conviction and continues for one year beginning on the date of
329 eligibility for a driver license; or

330 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):

331 (I) impose a suspension for a period of two years; or

332 (II) if the person is under the age of eligibility for a driver license, impose a suspension
333 that begins on the date of conviction and continues for two years beginning on the date of
334 eligibility for a driver license.

335 (iv) Upon receipt of the first order suspending a person's driving privileges under

336 Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if
337 ordered by the court in accordance with Subsection 32B-4-411(3)(a).

338 (v) Upon receipt of the second or subsequent order suspending a person's driving
339 privileges under Section 32B-4-411, the division shall reduce the suspension period under
340 Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).

341 (2) The division shall extend the period of the first denial, suspension, revocation, or
342 disqualification for an additional like period, to a maximum of one year for each subsequent
343 occurrence, upon receiving:

344 (a) a record of the conviction of any person on a charge of driving a motor vehicle
345 while the person's license is denied, suspended, revoked, or disqualified;

346 (b) a record of a conviction of the person for any violation of the motor vehicle law in
347 which the person was involved as a driver;

348 (c) a report of an arrest of the person for any violation of the motor vehicle law in
349 which the person was involved as a driver; or

350 (d) a report of an accident in which the person was involved as a driver.

351 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is
352 driving while the person's license is denied, suspended, disqualified, or revoked, the person is
353 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,
354 or revocation originally imposed under Section 53-3-221.

355 (4) (a) The division may extend to a person the limited privilege of driving a motor
356 vehicle to and from the person's place of employment or within other specified limits on
357 recommendation of the judge in any case where a person is convicted of any of the offenses
358 referred to in Subsections (1) and (2) except:

359 (i) automobile homicide under Subsection (1)(a)(i);

360 (ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and
361 (1)(c); and

362 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,
363 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,
364 41-6a-517, a local ordinance which complies with the requirements of Subsection
365 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person
366 was charged with violating as a result of a plea bargain after having been originally charged

367 with violating one or more of these sections or ordinances, unless:

368 (A) the person has had the period of the first denial, suspension, revocation, or
369 disqualification extended for a period of at least three years;

370 (B) the division receives written verification from the person's primary care physician
371 that:

372 (I) to the physician's knowledge the person has not used any narcotic drug or other
373 controlled substance except as prescribed by a licensed medical practitioner within the last
374 three years; and

375 (II) the physician is not aware of any physical, emotional, or mental impairment that
376 would affect the person's ability to operate a motor vehicle safely; and

377 (C) for a period of one year prior to the date of the request for a limited driving
378 privilege:

379 (I) the person has not been convicted of a violation of any motor vehicle law in which
380 the person was involved as the operator of the vehicle;

381 (II) the division has not received a report of an arrest for a violation of any motor
382 vehicle law in which the person was involved as the operator of the vehicle; and

383 (III) the division has not received a report of an accident in which the person was
384 involved as an operator of a vehicle.

385 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege
386 authorized in this Subsection (4):

387 (A) is limited to when undue hardship would result from a failure to grant the
388 privilege; and

389 (B) may be granted only once to any person during any single period of denial,
390 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
391 or disqualification.

392 (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

393 (A) is limited to when the limited privilege is necessary for the person to commute to
394 school or work; and

395 (B) may be granted only once to any person during any single period of denial,
396 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,
397 or disqualification.

398 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
399 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or
400 denied under this chapter.

401 Section 5. Section **76-9-701** is amended to read:

402 **76-9-701. Intoxication -- Release of arrested person or placement in detoxification**
403 **center.**

404 (1) A person is guilty of intoxication if the person is under the influence of alcohol, a
405 controlled substance, or any substance having the property of releasing toxic vapors, to a
406 degree that the person may endanger the person or another, in a public place or in a private
407 place where the person unreasonably disturbs other persons.

408 (2) (a) A peace officer or a magistrate may release from custody a person arrested
409 under this section if the peace officer or magistrate believes imprisonment is unnecessary for
410 the protection of the person or another.

411 (b) A peace officer may take the arrested person to a detoxification center or other
412 special facility as an alternative to incarceration or release from custody.

413 (3) (a) If a minor is found by a court to have violated this section and the violation is
414 the minor's ~~[second or subsequent]~~ first violation of this section, the court may:

415 ~~[(a) shall order the minor to participate in an educational series as defined in Section~~
416 ~~41-6a-501; and]~~

417 ~~[(b) may order the minor to participate in a screening as defined in Section 41-6a-501.]~~

418 (i) order the minor to complete a screening as defined in Section 41-6a-501;

419 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
420 screening indicates an assessment to be appropriate; and

421 (iii) order the minor to complete an educational series as defined in Section 41-6a-501
422 or substance abuse treatment as indicated by an assessment.

423 (b) If a minor is found by a court to have violated this section and the violation is the
424 minor's second or subsequent violation of this section, the court shall:

425 (i) order the minor to complete a screening as defined in Section 41-6a-501;

426 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the
427 screening indicates an assessment to be appropriate; and

428 (iii) order the minor to complete an educational series as defined in Section 41-6a-501

429 or substance abuse treatment as indicated by an assessment.

430 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is
431 found by a court to have violated this section, the court hearing the case shall suspend the
432 minor's driving privileges under Section 53-3-219.

433 (b) Notwithstanding the requirement in Subsection (4)(a), the court may reduce the
434 suspension period required under Section 53-3-219 if:

435 (i) the violation is the minor's first violation of this section; and

436 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501[-];

437 or

438 (B) the minor demonstrates substantial progress in substance abuse treatment.

439 (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the
440 requirements of Section 53-3-219, the court may reduce the suspension period required under
441 Section 53-3-219 if:

442 (i) the violation is the minor's second or subsequent violation of this section; ~~[and]~~

443 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
444 demonstrated substantial progress in substance abuse treatment; and

445 ~~[(ii)]~~ (iii) (A) the person is 18 years of age or older and provides a sworn statement to
446 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
447 consecutive period during the suspension period imposed under Subsection (4)(a); or

448 (B) the person is under 18 years of age and has the person's parent or legal guardian
449 provide an affidavit or sworn statement to the court certifying that to the parent or legal
450 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
451 one-year consecutive period during the suspension period imposed under Subsection (4)(a).

452 (5) When a person who is at least 13 years old, but younger than 18 years old, is found
453 by a court to have violated this section, the provisions regarding suspension of the driver's
454 license under Section 78A-6-606 apply to the violation.

455 (6) When the court issues an order suspending a person's driving privileges for a
456 violation of this section, the person's driver license shall be suspended under Section 53-3-219.

457 (7) An offense under this section is a class C misdemeanor.

458 Section 6. Section 78A-6-606 is amended to read:

459 **78A-6-606. Suspension of license for certain offenses.**

460 (1) This section applies to a minor who is at least 13 years of age when found by the
461 court to be within its jurisdiction by the commission of an offense under:

462 (a) Section 32B-4-409;

463 (b) Section 32B-4-410;

464 (c) Section 32B-4-411;

465 (d) Section 58-37-8;

466 (e) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

467 (f) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

468 (g) Subsection 76-9-701(1).

469 (2) If the court hearing the case determines that the minor committed an offense under
470 Section 58-37-8 or Title 58, Chapter 37a or 37b, the court shall prepare and send to the Driver
471 License Division of the Department of Public Safety an order to suspend that minor's driving
472 privileges.

473 (3) (a) The court hearing the case shall suspend the minor's driving privileges if~~[(i)]~~
474 the minor violated Section 32B-4-409, Section 32B-4-410, or Subsection 76-9-701(1)~~[-and].~~

475 ~~[(ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,~~
476 ~~2009.]~~

477 (b) Notwithstanding the requirement in Subsection (2) or (3)(a), the court may reduce
478 the suspension period required under Section 53-3-219 if:

479 (i) the violation is the minor's first violation of:

480 (A) Section 32B-4-409~~[-];~~

481 (B) Section 32B-4-410~~[-];~~

482 (C) Section 58-37-8;

483 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

484 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

485 (F) Subsection 76-9-701(1); and

486 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501~~[-];~~

487 or

488 (B) the minor demonstrates substantial progress in substance abuse treatment.

489 (c) Notwithstanding the requirement in Subsection (2) or (3)(a) and in accordance with
490 the requirements of Section 53-3-219, the court may reduce the suspension period required

491 under Section [53-3-219](#) if:

492 (i) the violation is the minor's second or subsequent violation of:

493 (A) Section [32B-4-409](#)[-];

494 (B) Section [32B-4-410](#)[-];

495 (C) Section [58-37-8](#);

496 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

497 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

498 (F) Subsection [76-9-701](#)(1); [~~and~~]

499 (ii) the minor has completed an educational series as defined in Section [41-6a-501](#) or
500 demonstrated substantial progress in substance abuse treatment; and

501 [~~(i)~~] (iii) (A) the person is 18 years of age or older and provides a sworn statement to
502 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
503 consecutive period during the suspension period imposed under Subsection (3)(a); or

504 (B) the person is under 18 years of age and has the person's parent or legal guardian
505 provide an affidavit or sworn statement to the court certifying that to the parent or legal
506 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
507 one-year consecutive period during the suspension period imposed under Subsection (3)(a).

508 (d) If a minor commits a proof of age violation, as defined in Section [32B-4-411](#):

509 (i) the court shall forward a record of adjudication to the Department of Public Safety
510 for a first or subsequent violation; and

511 (ii) the minor's driving privileges will be suspended:

512 (A) for a period of at least one year under Section [53-3-220](#) for a first conviction for a
513 violation of Section [32B-4-411](#); or

514 (B) for a period of two years for a second or subsequent conviction for a violation of
515 Section [32B-4-411](#).

516 (e) Notwithstanding the requirement in Subsection (3)(d), the court may reduce the
517 suspension period imposed under Subsection (3)(d)(ii)(A) if:

518 (i) the violation is the minor's first violation of Section [32B-4-411](#); and

519 (ii) (A) the minor completes an educational series as defined in Section [41-6a-501](#); or

520 (B) the minor demonstrates substantial progress in substance abuse treatment.

521 (f) Notwithstanding the requirement in Subsection (3)(d), the court may reduce the

522 suspension period imposed under Subsection (3)(d)(ii)(B) if:

523 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;

524 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
525 demonstrated substantial progress in substance abuse treatment; and

526 (iii) (A) the person is 18 years of age or older and provides a sworn statement to the
527 court that the person has not unlawfully consumed alcohol or drugs for at least a one-year
528 consecutive period during the suspension period imposed under Subsection (3)(d)(ii)(B); or

529 (B) the person is under 18 years of age and has the person's parent or legal guardian
530 provide an affidavit or sworn statement to the court certifying that to the parent or legal
531 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a
532 one-year consecutive period during the suspension period imposed under Subsection
533 (3)(d)(ii)(B).

534 (4) A minor's license shall be suspended under Section 53-3-219 when a court issues
535 an order suspending the minor's driving privileges for a violation of:

536 (a) Section 32B-4-409;

537 (b) Section 32B-4-410;

538 (c) Section 58-37-8;

539 (d) Title 58, Chapter 37a or 37b; or

540 (e) Subsection 76-9-701(1).

541 (5) When the Department of Public Safety receives the arrest or conviction record of a
542 person for a driving offense committed while the person's license is suspended under this
543 section, the Department of Public Safety shall extend the suspension for a like period of time.