

59 the installation of an ignition interlock system as described in Section 41-6a-518; and

60 (b) the court may:

61 (i) order the individual to obtain substance abuse treatment if the substance abuse  
62 treatment program determines that substance abuse treatment is appropriate;

63 (ii) order probation for the individual in accordance with Section 41-6a-507;

64 (iii) order the individual to participate in a 24-7 sobriety program as defined in Section  
65 41-6a-515.5 if the individual is 21 years of age or older; or

66 (iv) order a combination of Subsections (1)(b)(i) through (iii).

67 (2) If an individual has a prior conviction as defined in Subsection 41-6a-501(2) that is  
68 within 10 years of the current conviction under Section 41-6a-502 or the commission of the  
69 offense upon which the current conviction is based:

70 (a) the court shall:

71 (i) (A) impose a jail sentence of not less than 240 hours; or

72 (B) impose a jail sentence of not less than 120 hours in addition to home confinement  
73 of not fewer than 720 consecutive hours through the use of electronic monitoring that includes  
74 a substance abuse testing instrument in accordance with Section 41-6a-506;

75 (ii) order the individual to participate in a screening;

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

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

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

81 (vi) order probation for the individual in accordance with Section 41-6a-507;

82 (vii) ~~§→ [unless the court determines and states on the record that an ignition interlock~~

83 ~~system is not necessary for the safety of the community and in the best interest of justice;]~~ ←§ order  
84 the installation of an ignition interlock system as described in Section 41-6a-518;

85 [(vii)] (viii) (A) order the individual to pay the administrative impound fee described in  
86 Section 41-6a-1406; or

87 (B) if the administrative impound fee was paid by a party described in Subsection  
88 41-6a-1406(5)(a), other than the individual sentenced, order the individual sentenced to  
89 reimburse the party; or

152 concentration exceeds a level ordered by the court.

153 (b) If a person convicted of violating Section 41-6a-502 was under the age of 21 when  
154 the violation occurred, the court shall order the installation of the ignition interlock system as a  
155 condition of probation.

156 (c) (i) If a person is convicted of a violation of Section 41-6a-502 within 10 years of a  
157 prior conviction as defined in Subsection 41-6a-501(2), ~~§~~ **unless the court determines and states**  
158 **on the record that an ignition interlock system is not necessary for the safety of the community**  
159 **and in the best interest of justice.** ~~§~~ the court shall order the installation of the interlock ignition  
160 system, at the person's expense, for all motor vehicles registered to that person and all motor  
161 vehicles operated by that person.

162 (ii) A person who operates a motor vehicle without an ignition interlock device as  
163 required under this Subsection (2)(c) is in violation of Section 41-6a-518.2.

164 (d) The division shall post the ignition interlock restriction on the electronic record  
165 available to law enforcement.

166 (e) This section does not apply to a person convicted of a violation of Section  
167 41-6a-502 whose violation does not involve alcohol.

168 (3) If the court imposes the use of an ignition interlock system as a condition of  
169 probation, the court shall:

170 (a) stipulate on the record the requirement for and the period of the use of an ignition  
171 interlock system;

172 (b) order that an ignition interlock system be installed on each motor vehicle owned or  
173 operated by the probationer, at the probationer's expense;

174 (c) immediately notify the Driver License Division and the person's probation provider  
175 of the order; and

176 (d) require the probationer to provide proof of compliance with the court's order to the  
177 probation provider within 30 days of the order.

178 (4) (a) The probationer shall provide timely proof of installation within 30 days of an  
179 order imposing the use of a system or show cause why the order was not complied with to the  
180 court or to the probationer's probation provider.

181 (b) The probation provider shall notify the court of failure to comply under Subsection  
182 (4)(a).