

# UTAH DUI SENTENCING MATRIX

(Current as of October 2008)

	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	
<b>CLASSIFICATION</b> (§41-6a-503)	<b>CLASS B MISDEMEANOR</b>  <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>if bodily injury</li> <li>if passenger is under 16</li> <li>if passenger is under 18 and driver is 21 or older</li> </ul>	<b>CLASS B MISDEMEANOR</b>  <b>CLASS A MISDEMEANOR:</b> <ul style="list-style-type: none"> <li>if bodily injury</li> <li>if passenger under 16</li> <li>if passenger is under 18 and driver is 21 or older</li> </ul>	<b>THIRD DEGREE FELONY</b> <ul style="list-style-type: none"> <li>if third or subsequent offense within 10 years</li> <li>if serious bodily injury</li> <li>if any prior felony DUI conviction or automobile homicide conviction</li> </ul>
<b>SENTENCING Jail – SHALL order:</b> (§41-6a-505)	48 consecutive hours <b>OR</b> 48 hours compensatory service <b>OR</b> electronic home confinement <sup>1</sup>	240 consecutive hours <b>OR</b> 240 hours compensatory service <b>OR</b> electronic home confinement <sup>1</sup>	0-5 year prison term <b>OR</b> 1,500 hours jail (62.5 days) May also require electronic home confinement <sup>1</sup>
<b>Fine – SHALL order:</b> (§41-6a-505)	\$700 minimum plus surcharge	\$800 minimum plus surcharge	\$1,500 minimum plus surcharge, unless 0-5 prison term is imposed
<b>Screening, Assessment, Education Series, Treatment – SHALL order:</b> (§41-6a-505)	<ul style="list-style-type: none"> <li>Screening</li> <li>Assessment (if found appropriate by screening)</li> <li>Educational Series, unless treatment is ordered</li> <li><b>MAY</b> order treatment</li> </ul>	<ul style="list-style-type: none"> <li>Screening</li> <li>Assessment (if found appropriate by screening)</li> <li>Educational Series, unless treatment is ordered</li> <li><b>MAY</b> order treatment</li> </ul>	<ul style="list-style-type: none"> <li>Screening</li> <li>Assessment</li> <li>Intensive treatment or inpatient treatment and aftercare for not less than 240 hours</li> </ul>
<b>Probation:<sup>2</sup></b> (§41-6a-507)	<b>MAY</b> order supervised probation	<b>SHALL</b> order supervised probation	<b>SHALL</b> order supervised probation if 0-5 prison term is not imposed
<b>Ignition Interlock:<sup>3</sup></b> (§41-6a-518) (§41-6a-530)	<ul style="list-style-type: none"> <li><b>MAY</b> order interlock</li> <li><b>SHALL</b> order interlock if under 21</li> <li><b>SHALL</b> order interlock for an ARD violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<ul style="list-style-type: none"> <li><b>MAY</b> order interlock</li> <li><b>SHALL</b> order interlock if under 21</li> <li><b>SHALL</b> order interlock for an ARD violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>	<ul style="list-style-type: none"> <li><b>MAY</b> order interlock</li> <li><b>SHALL</b> order interlock if under 21</li> <li><b>SHALL</b> order interlock for an ARD violation <b>OR</b> describe on the record why such order not appropriate</li> </ul>
<b>High BAC: (.16 or higher)</b> (§41-6a-505)	<ul style="list-style-type: none"> <li><b>SHALL</b> order supervised probation<sup>2</sup></li> <li><b>SHALL</b> order treatment <b>and</b> interlock<sup>3</sup> and/or home confinement<sup>1</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>	<ul style="list-style-type: none"> <li><b>SHALL</b> order supervised probation<sup>2</sup></li> <li><b>SHALL</b> order treatment <b>and</b> interlock<sup>3</sup> and/or home confinement<sup>1</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>	<ul style="list-style-type: none"> <li><b>SHALL</b> order supervised probation<sup>2</sup> if 0-5 prison term is not imposed</li> <li><b>SHALL</b> order treatment <b>and</b> interlock<sup>3</sup> and/or home confinement<sup>1</sup> <b>OR</b> describe on the record why such order(s) not appropriate</li> </ul>
<b>License Suspension:</b> (§41-6a-509)	Court <b>MAY</b> order <b>additional</b> 90 days, 180 days, 1 year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 180 days, 1 year or 2 years	Court <b>MAY</b> order <b>additional</b> 90 days, 180 days, 1 year or 2 years

<sup>1</sup>See §41-6a-506 for electronic home confinement provisions.

<sup>2</sup>Supervised probation is also required for all violations of §41-6a-517 (driving with any measurable controlled substance in the body).

<sup>3</sup>Adoption of the ignition interlock restricted driver (IRD) provision (§41-6a-518.2) does not change the obligation of judges to impose interlock as a condition of probation.