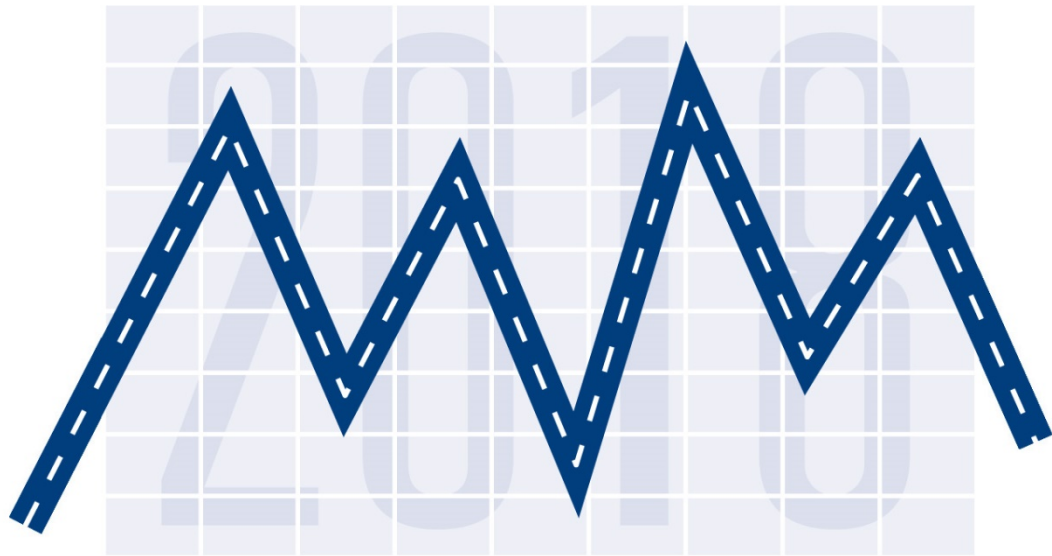


2018



UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Sixteenth Annual DUI Report to the Utah Legislature



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Statistical Note: Data in this report are current as of October 1, 2018, unless otherwise noted. Due to rounding, data in the tables in this report may not add up exactly to the totals indicated.

Profile of a Typical Utah DUI Offender in FY 2018

Arrested for a *per se* violation (79%)

Driver had a .08 or greater blood/breath alcohol concentration, or was impaired by alcohol, drugs, or a combination of the two to the extent it was unsafe to operate a vehicle



Arrested by a municipal law enforcement officer (59%)



Male (72%)



Age 25-36 (38%)



Had a blood/breath alcohol concentration (BAC) of .16 (Mean/Median)



Arrested on the Wasatch Front in Weber, Davis, Salt Lake or Utah County (69%)



First-time arrestee (71%)



Convicted of DUI (78% in Justice Court; 77% in District Court)

Executive Summary

DUI in Utah: CY 2017 / FY 2018

Law Enforcement: DUI-Related Arrests & Enforcement Activities

- 10,383 DUI-related arrests were made in FY 2018, 379 fewer (-3.5%) than in FY 2017.
- Utah's DUI-related arrest rate (33.5 per 10,000 population) has declined steadily over the past 10 years, with a nearly 43% decrease since FY 2009, even as the population has markedly increased in the same time.
- The majority of arrests occurred along the Wasatch Front, with Salt Lake, Davis, Utah, and Weber Counties accounting for 69% of the total. While counties outside the Wasatch Front only accounted for 31% of the total, this was disproportionate to their population (24.5%).
- DUI-related arrests in FY 2018 displayed the following characteristics:
 - 72% of arrestees were male (26% female).
 - 38% of arrestees were between 25-36 years of age, followed by 21% 37-48, 15% 21-24, 14% 49 and older, and 12% under 21. The youngest arrestee was 14.
 - The majority of arrests (59%) were made by city/municipal police departments, with the rest split between Utah Highway Patrol (29%) and county sheriff's offices (12%).
 - The average (mean/median) blood/breath alcohol content (BAC) for arrestees with test results reported was .16 (twice the legal limit of .08), and the highest was .49, *over six times the legal limit*. 38% of the arrests did not have a BAC reported, and 7% of arrestees refused testing.
 - It was the first DUI-related arrest for 71% of arrestees, with 19% having one prior arrest and another 10% having two or more prior arrests for DUI.
- The 12% of arrestees under the age of 21 is consistent with recent years, though the 1,255 total arrests of underage DUIs is down 14% since 2013, when there were 1,460.
- Consistent with previous years, 79% of the arrests were for per se violations where the driver had a .08 or greater blood/breath alcohol concentration, or was impaired by alcohol, other drugs, or a combination of the two to the extent it was unsafe to operate a vehicle.
 - There was a sharp (49%) increase in drug metabolite arrests, from 268 in FY 2017 to 398 in FY 2018. This continues a longer upward trend since 2014 (+180%).
- Arrests included 2,247 made during specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI sobriety checkpoints that involved law enforcement agencies throughout the state.

DUI and Drug-Related Crashes, Injuries, and Fatalities

- The numbers of DUI/*alcohol*-related crashes, injuries, and fatalities have remained fairly stable, with a recent decline in each.
 - Crashes decreased 7% from CY 2016 to 1,825 in CY 2017; injuries decreased 6% to 1,149 in CY 2017; and fatalities remained stable at 36 (13.2% of total).
- DUI/*drug*-related crashes, injuries, and fatalities, on the other hand, have all shown a marked increase over the past ten years, and especially in recent years.
 - Crashes increased 27% from CY 2016 to 1,002 in CY 2017, and +83% since 2012.
 - Injuries increased 43% from CY 2016 to 732 in CY 2017, +91% since 2012.
 - Drug-positive driver fatalities increased 22% from CY 2016 to 88 in CY 2017 (now *almost one-third of all crash fatalities*). The 88 fatalities also represents a 138% increase since 2012, and over 7 times the number of fatalities ten years ago (2008).
- The most common drug types found in drug-positive driver fatalities in CY 2017 were stimulants (e.g., methamphetamine, 47%); opioids (e.g., oxycodone, 36%); marijuana/THC (31%); and depressants (e.g., sedatives, 25%).

Courts: Adjudications and Sanctions

- In FY 2018, there were 8,277 DUI-related cases disposed by Utah’s Justice Courts.
 - 78% resulted in a guilty plea or verdict.
- In FY 2018, there were 3,443 DUI-related cases disposed by the state’s District Courts.
 - 77% resulted in a guilty plea or verdict.
- An increasing number of DUI-related cases have been handled in the District Courts over the past ten years.

Courts: Orders for Assessment, Treatment, and Education

- Justice Court judges ordered offenders to undergo a substance use disorder screening and assessment in 4,558 cases (71% of guilty), ordered substance use disorder treatment in 3,018 cases (47%), and ordered an educational series in 2,985 cases (46%).
- District Court judges ordered offenders to undergo a substance use disorder screening and assessment in 1,173 cases (44% of guilty), ordered substance use disorder treatment in 1,418 cases (53%), and ordered an educational series in 476 cases (18%).
- Treatment orders have increased significantly over the past ten years in both courts.

Driver License Control

- 4,116 hearings were conducted in FY 2018 to determine if there was sufficient information to warrant the suspension or revocation of the individual’s driver license.
 - 3,103 (75%) involved at least one of the parties calling in for the hearing.
 - In 1,530 (37%) of the cases, no action could be taken against the driver due to the absence of the arresting officer at the hearing or other factors.

Purpose of the Report

The *Sixteenth Annual DUI Report to the Utah Legislature* was prepared in accordance with §41-6a-511 of the Utah Code. The statute requires the Utah Commission on Criminal and Juvenile Justice to prepare an annual report of DUI related data, including the following:

- Data collected by the state courts to allow sentencing and enhancement decisions to be made in accordance with violations involving driving under the influence of alcohol and/or other drugs;
- Data collected by the justice courts (same DUI related data elements collected by the state courts); and
- Any measures for which data are available to evaluate the profile and impacts of DUI recidivism and to evaluate the DUI related processes of: law enforcement; adjudication; sanctions; driver license control; and alcohol education, assessment, and treatment.

1

DUI Policy in Utah

The Utah Legislature establishes policy for dealing with driving under the influence of alcohol and other drugs through the passage of bills that are enacted into law. This section summarizes the bills passed by the 2018 Utah Legislature and their impact on DUI policy in Utah.

2018 DUI-Related Legislation**H.B. 65 Ignition Interlock Amendments*****Representative John Westwood***

- This bill removes drivers convicted of driving under the influence of drugs/substances other than alcohol from the definition of “interlock restricted driver”.

H.B. 98 Driving Under the Influence Revisions***Representative Norman Thurston***

- This bill removes the definition of “novice licensed driver” (an individual who has completed the requirements for issuance of a Utah driver license, was issued a Utah driver license within the last two years, and has not previously held a driver license in Utah or another state) from statute; and removes a novice licensed driver from the definition of “alcohol restricted driver.”

H.B. 132 Juvenile Justice Modifications***Representative Lowry Snow***

- This bill provides that the Juvenile Court probation department request that a prosecutor review a referral (versus nonjudicial adjustment) if the referral involves a violation of Section 41-6a-502, driving under the influence; and provides that if a minor violates Section 41-6a-502, regardless of whether a prosecutor reviews a referral, the minor shall be subject to a drug and alcohol screening and participate in an assessment, if found appropriate by the screening, and if warranted, follow the recommendations of the assessment.

H.B. 144 Driver License Suspension Amendments

Representative Cory Maloy

- This bill provides the Driver License Division may not suspend a person's driver license for violations of the Controlled Substances Act, unless the person was an operator of a motor vehicle at the time of the offense.

H.B. 295 Driving Under the Influence Modifications

Representative Steve Eliason

- This bill increases the penalty for DUI to a class A misdemeanor if the individual was also driving in the wrong direction on a freeway or controlled-access highway during the same occurrence.

S.B. 177 Bicycle and Electric Assisted Bicycle Amendments

Senator Todd Weiler

- This bill prohibits the operation of a class 2 electric assisted bicycle with an open container of alcohol or while drinking any alcoholic beverage.

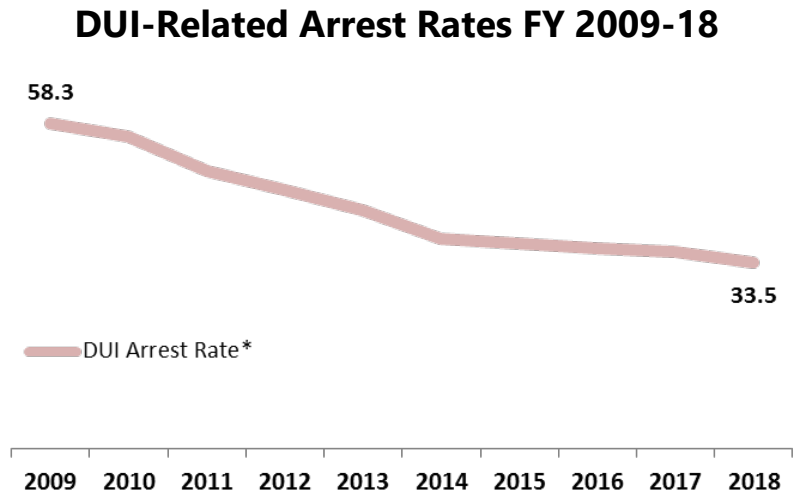
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Law Enforcement Activities

DUI-Related Arrests

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI-related arrests. In FY 2018, law enforcement officers made 10,383 arrests, 379 fewer (-3.5%) than in FY 2017. While Utah’s population has continued to grow, the arrest rate for DUI-related offenses has declined steadily, with a nearly 43% decrease over the past ten years.

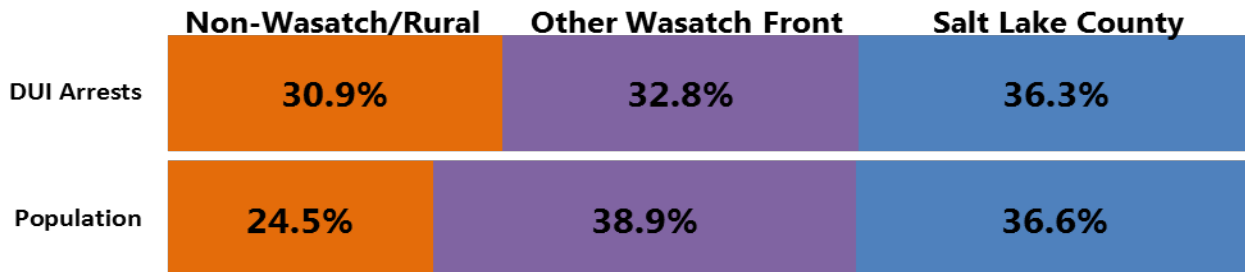
Fiscal Year	DUI-Related Arrests	Population as of July 1	DUI-Related Arrest Rate*
2009	15,683	2,691,122	58.3
2010	15,285	2,731,558	56.0
2011	13,816	2,775,326	49.8
2012	13,031	2,816,124	46.3
2013	12,227	2,855,782	42.8
2014	10,901	2,902,663	37.6
2015	10,802	2,941,836	36.7
2016	10,755	2,990,632	36.0
2017	10,762	3,051,217	35.3
2018	10,383	3,101,833	33.5



Source of DUI-Related Arrest Data: Utah Department of Public Safety, Driver License Division
 Source of Population Data: U.S. Census Bureau, Population Division (estimates are as of July 1 of calendar year preceding fiscal year)
 *DUI-related arrest rate is the number of DUI-related arrests per 10,000 population.

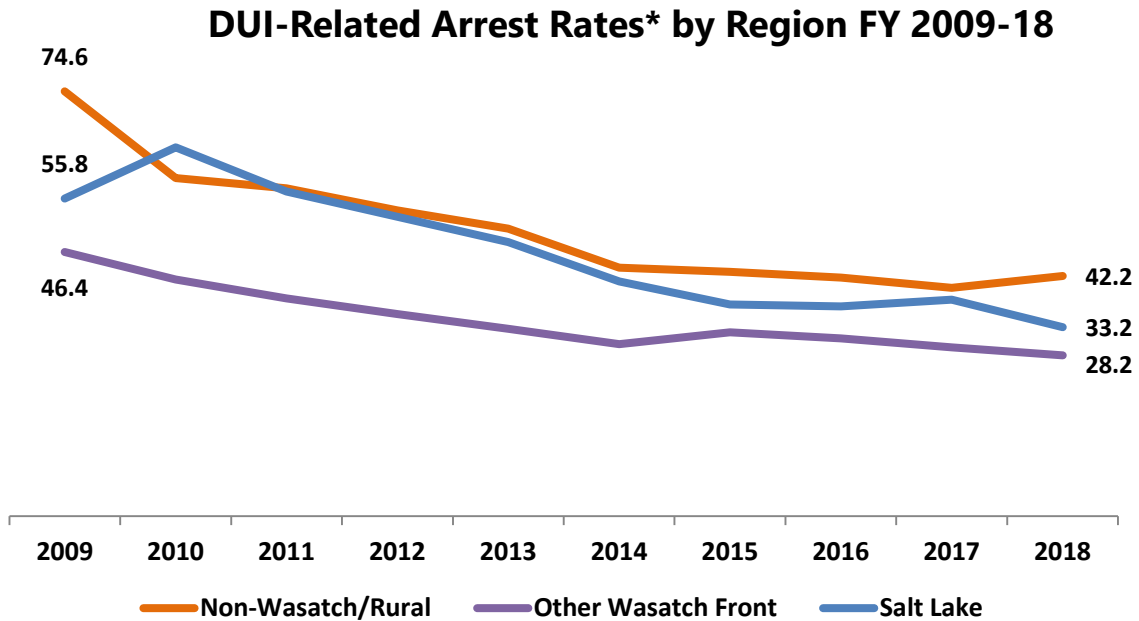
Arrests by County & Region

Consistent with past years, the majority of DUI-related arrests during FY 2018 occurred along the Wasatch Front, with Weber, Davis, Salt Lake, and Utah Counties accounting for 69% (7,176) of the total. Salt Lake County had the highest number of arrests with 3,771 (36.3%), while Wayne County had the fewest arrests with two (see Table A1 in the Appendix for all 2018 data by county, as well as a comparison of arrest percentages to total population and vehicle miles traveled). The chart below breaks the 2018 arrests down by region of the state.



Note: "Other Wasatch Front" = Davis, Utah, and Weber counties; "Non-Wasatch/Rural" = all other counties outside the Wasatch Front.

The previous figure shows an over-representation of DUI-related arrests outside the Wasatch Front (30.9%), relative to the total population in the region (only 24.5% of the total population). Additionally, the figure below shows the DUI-related arrest rate trends over time (FY 2009-18) by region of the state. Consistent with the previous figure, the highest arrest rates in FY 2018 were outside the Wasatch Front (42.2 per 10,000 population), followed by Salt Lake County (33.2), and Davis/Utah/Weber counties (28.2). As with the overall rates for Utah seen on the previous page, the rates in each region have seen a downward trend over the past ten years, though the Non-Wasatch/Rural rate did show a 5% increase in FY 2018 from FY 2017 (see Table A2 in the Appendix for all the rate data by county and region).



Note: "Other Wasatch Front" = Davis, Utah, and Weber counties; "Non-Wasatch/Rural" = all other counties outside the Wasatch Front.
 *DUI-related arrest rate is the number of DUI-related arrests per 10,000 population.

Characteristics of FY 2018 DUI-Related Arrests

The figures on the next page show some characteristics of DUI-related arrests, including:

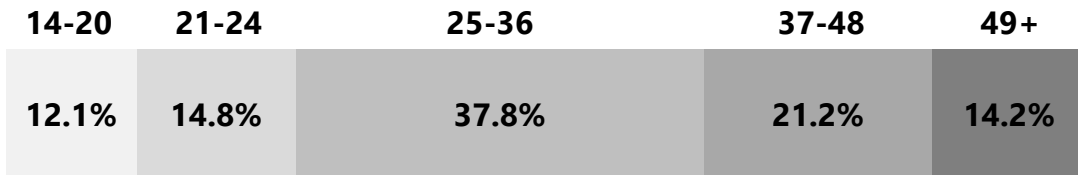
- **Gender:** 72% of arrestees were male, while 26% were female (an additional 2% of arrests did not have gender specified; see Table A3 in the Appendix).
- **Age:** Drivers ages 25-36 accounted for 38% of all arrests, followed by 21% for ages 37-48. 12% of arrestees were under the legal age of 21 (see next section for more on this). The youngest arrestee was 14 years old, and the oldest was 87 (see Table A4 for full data).
- **Arresting Agency:** 59% of all arrests were made by municipal law enforcement agencies, with Utah Highway Patrol responsible for 29% and county sheriffs' offices responsible for 11% (see Table A5).
- **Blood/Breath Alcohol Concentration (BAC):** The average BAC (where the test results were reported) was .16 (median also .16), twice the legal limit of .08. Over one-third (38%) of the arrests did not have a reported BAC. 16% of arrestees were between .11-.15, while over a quarter (28%) exceeded .15. The highest BAC recorded was .49 (see Table A6).
- **Repeat Offenders:** 71% of arrests were for a first offense, 19% had one prior offense, and 10% were for a third or subsequent offense (see Table A7 for more data by violation type).

- **By Month:** DUI-related arrests remained fairly consistent throughout FY 2018, with 865 arrests per month, though somewhat more were concentrated in the beginning of the year (26% in Q1, 25% in Q2 & Q3, 24% in Q4). The highest number of arrests occurred in July (1,002), with the lowest number of arrests in February (803; see Table A8).

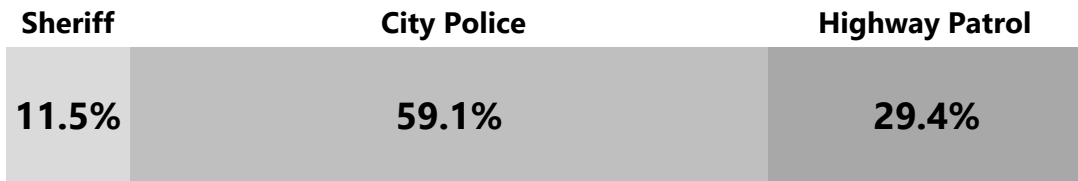
Gender



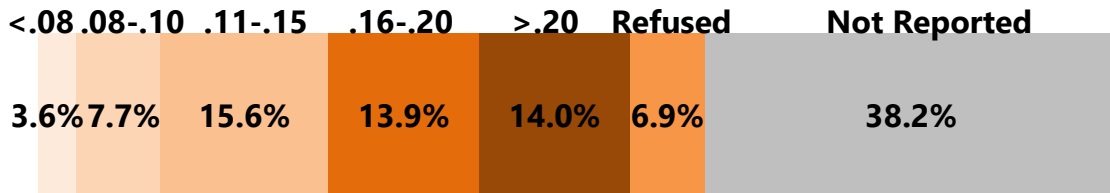
Age



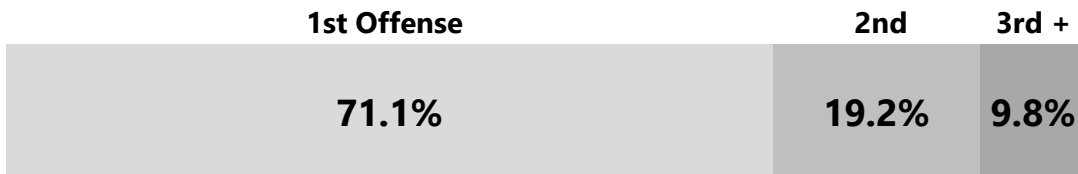
Arresting Agency



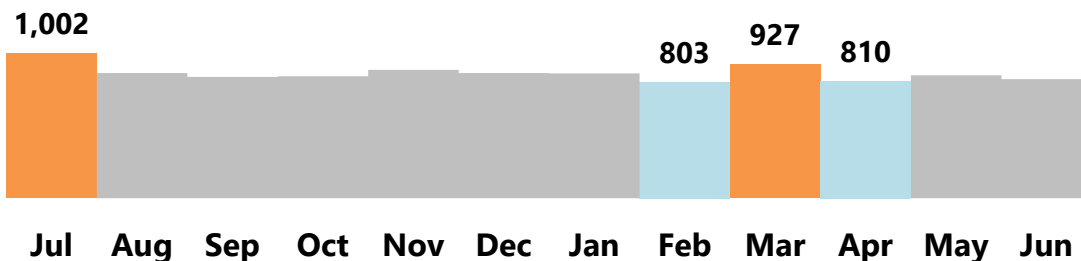
Blood/Breath Alcohol Content (BAC; See Figure A1)



First-Time vs. Repeat Offenders



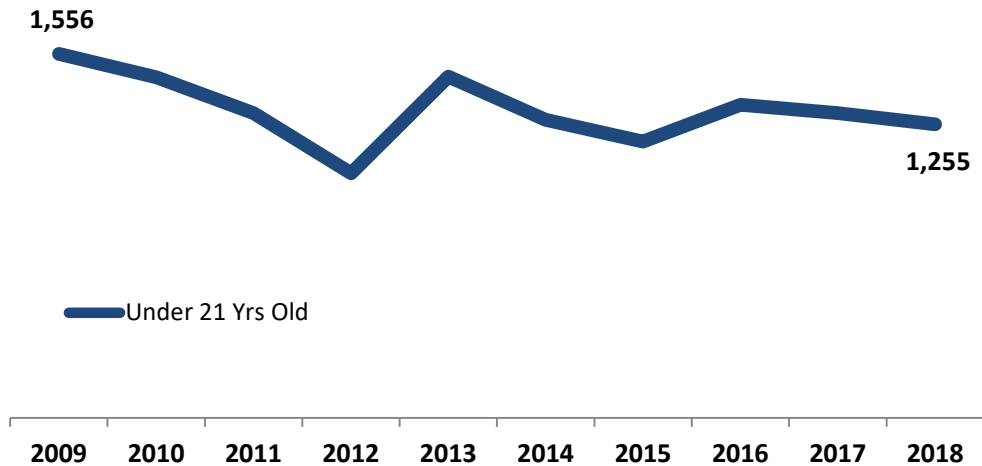
Month of Arrest



Underage DUI-Related Arrests

As seen on the previous page, 12% of the DUI-related arrests were offenders under the legal drinking age of 21. This percentage of the overall arrests is consistent with recent years (see Table A4), though the 1,255 total arrests in this category continues a downward trend that is displayed in the figure below. Since FY 2013, when there were 1,460 arrests where the offender was under 21, this number has declined 14% to the most recent fiscal year.

Under 21 DUI-Related Arrests FY 2009-18



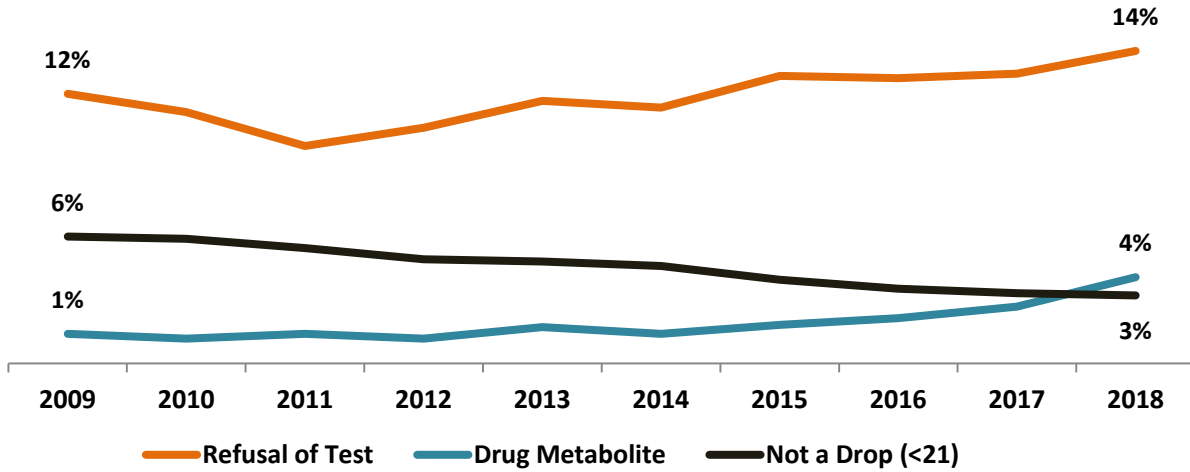
Arrests by Violation Type

The distribution of DUI-related arrests by type of violation in FY 2018 was similar to previous years (see Table A9 in Appendix), with the vast majority (79%) for **per se violations**. Per se violations occur when the driver has a .08 or greater blood/breath alcohol concentration, or is impaired by alcohol, drugs, or a combination of the two to the extent it is unsafe to operate a vehicle. Nearly 14% of arrests were for **refusal to submit to a chemical test** – under Utah law, drivers are considered to have given consent to tests of breath, blood, urine, or oral fluids to determine whether they are driving under the influence of alcohol and/or other drugs. It is also illegal to drive with any measurable controlled substance or **metabolite of a controlled substance** in a person’s body – this accounted for nearly 4% of arrests, a significant increase from the previous year (+49%). Violations of the **Not a Drop statute**, by persons under the age of 21 who drove with any measurable alcohol concentration in their body, accounted for 3% of the arrests. Arrests of **commercial drivers** exceeding the .04 limit represented less than 1% of the total.

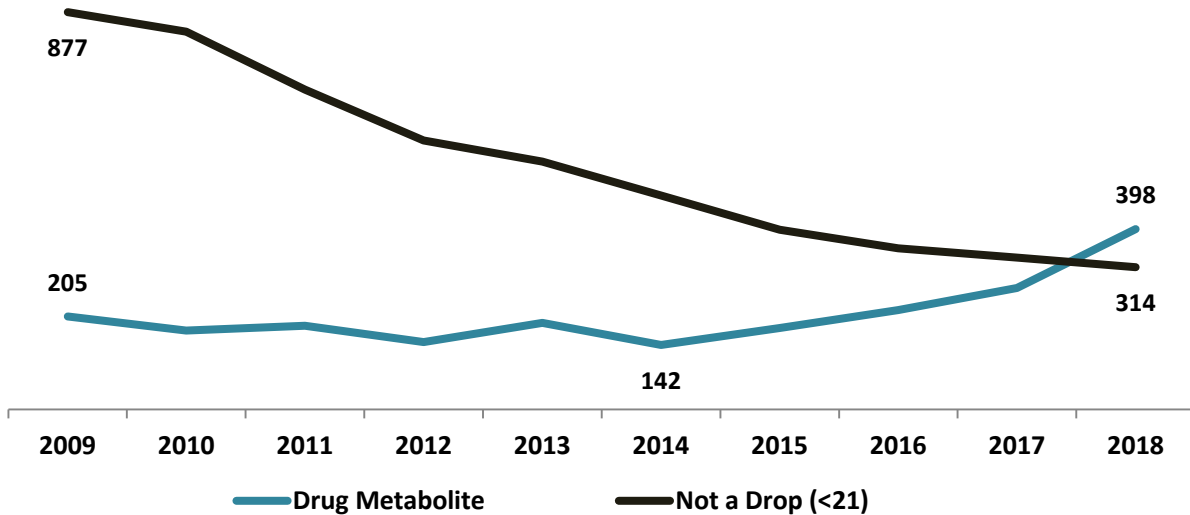
The figures on the next page show how the distribution of violation types has varied over the past ten years (per se violations were left out, as these have not varied much from an average of 82% over this period, though the 79% of arrests in FY 2018 is a 10-year low). In recent years, there appears to be a slight increase in arrestees refusing to submit to a chemical test, with the 14% in FY 2018 being a 10-year high. Arrests involving a positive drug metabolite test and violations of the Not a Drop statute (< 21 years old) are following contrasting trend lines, with the former increasing (1% in 2009 to 4% in 2018) and the latter decreasing steadily (6% to 3%) over the ten year period. The second figure shows the raw number of arrests for each of these. Over ten years, Not a Drop violations have decreased 64% from 877 in FY 2009 to 314 in FY 2018. In the

same period, drug metabolite violations have increased 94% from 205 to 398, including 180% in the past five years from a low of 142 in FY 2014, and 49% in the previous year alone.

DUI-Related Arrest Violation Type % FY 2009-18



DUI-Related Arrests - Selected Violation Types



Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in SFY 2018/FFY 2018* included those that occurred as a result of specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints. State funding from DUI impound fees collected, as well as federal funding from the National Highway Traffic Safety Administration (NHTSA), was used to fund the overtime shifts coordinated through the Utah Highway Safety Office. Law enforcement agencies throughout Utah participated, including local police agencies, sheriffs' offices, the Utah Highway Patrol, and university police departments. The table below shows the measures associated with these specialized DUI overtime enforcement events.

Statewide DUI Overtime Enforcement Events	State-Funded	Federally-Funded	Totals
	SFY 2018*	FFY 2018*	
DUI Shifts Worked	5,399	963	6,362
Vehicles Stopped	43,309	10,321	53,630
DUI Arrests**	1,934	313	2,247
Vehicles Impounded	1,560	268	1,828
Alcohol-Related Arrests***	870	156	1,026
Drug-Related Arrests****	1,933	373	2,306
Warrants Served	1,078	154	1,232
Other Warnings/Citations	46,659	7,431	54,090
Designated Drivers Observed/Documented	582	138	720

Source: Utah Department of Public Safety, Highway Safety Office
 *SFY 2018 = July 1, 2017 – June 30, 2018; FFY 2018 = October 1, 2017 – September 30, 2018
 **Includes 1,146 DUI/alcohol-related, 760 DUI/drug-related, and 341 metabolite arrests
 ***Includes open container and underage/youth alcohol violations (e.g., possession, consumption, attempted purchase, Not a Drop)
 ****Felony and misdemeanor (e.g., drug possession)

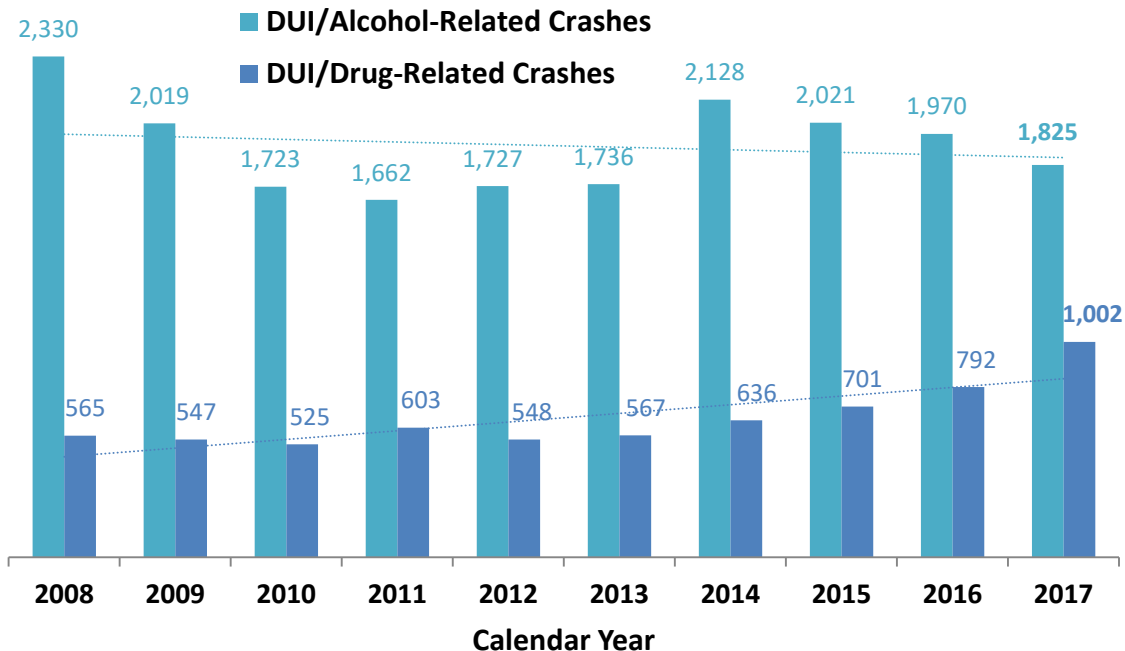
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Crashes, Injuries, & Fatalities

Each year, the Department of Public Safety’s Highway Safety Office tracks the number of crashes, injuries, and fatalities related to DUIs involving both alcohol and drugs (see Tables A10 and A11 in the Appendix for the full data tables for each). The following three sections will discuss each of these separately, though there is a common theme of concern regarding increases in recent years for all DUI/drug-related incidents compared to relative stability in DUI/alcohol-related incidents.

DUI-Related Crashes

Out of a total of 62,855 automobile crashes in 2017 (calendar year), a very small percentage were related to either alcohol (2.9%) or drug (1.6%) DUIs. Although both of these make up only a fraction of overall crashes in any given year, it is clear from the figure below that the numbers of crashes involving each are following different trends over recent years. While there are consistently more alcohol-related crashes than drug-related crashes, this gap has closed considerably over the past several years. Alcohol-related crashes have been decreasing of late (1,825 in 2017, down 7% from the previous year and -14% since 2014); on the other hand, drug-related crashes have seen a marked increase (1,002 in 2017, up 27% from the previous year and +83% since 2012).

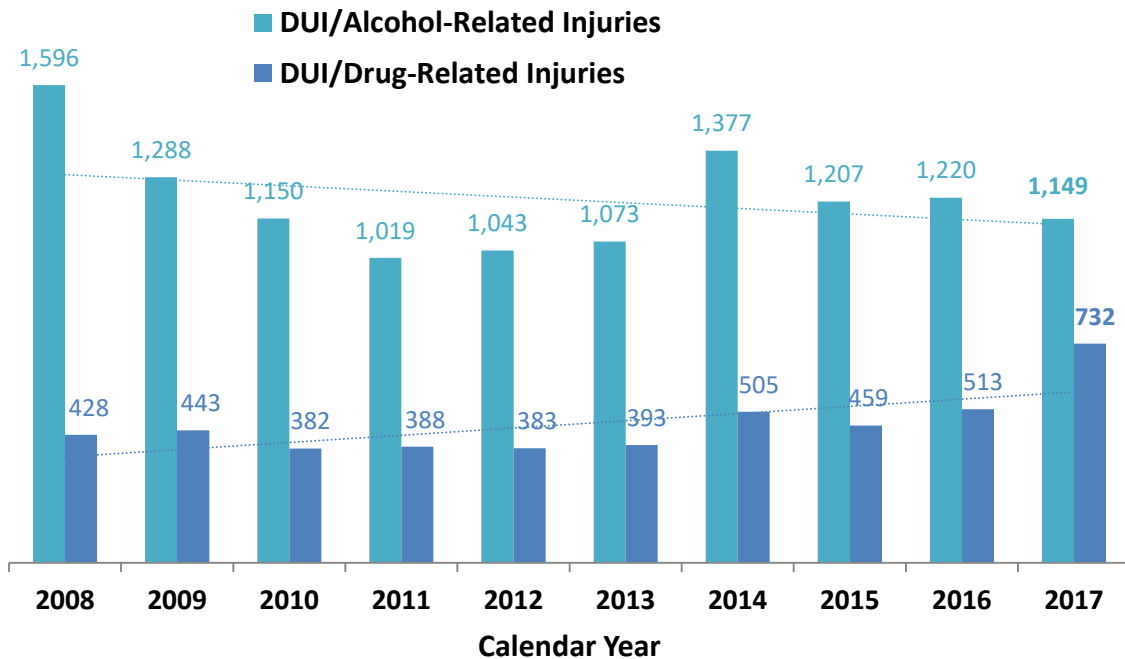


Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related crashes include only those incidents that involved alcohol; DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.

DUI-Related Injuries

The trends for DUI-related injuries are very similar to those seen for crashes. Once again, a small percentage of the 25,833 total injuries resulting from automobile crashes in 2017 (calendar year) were related to either alcohol (4.4%) or drug (2.8%) DUIs, though these percentages are somewhat higher than for crashes. Also, while there have consistently been more alcohol-related crash injuries per year, these numbers have been on the decrease and drug-related crash injuries have been on the increase, quickly closing the gap between the two. There were 1,149 alcohol-related crash injuries in 2017, down 6% from 2016 (and -17% from a recent high in 2014). On the other hand, the 732 drug-related crash injuries in 2017 represented a 43% increase over 2016 (and +91% from 2012).

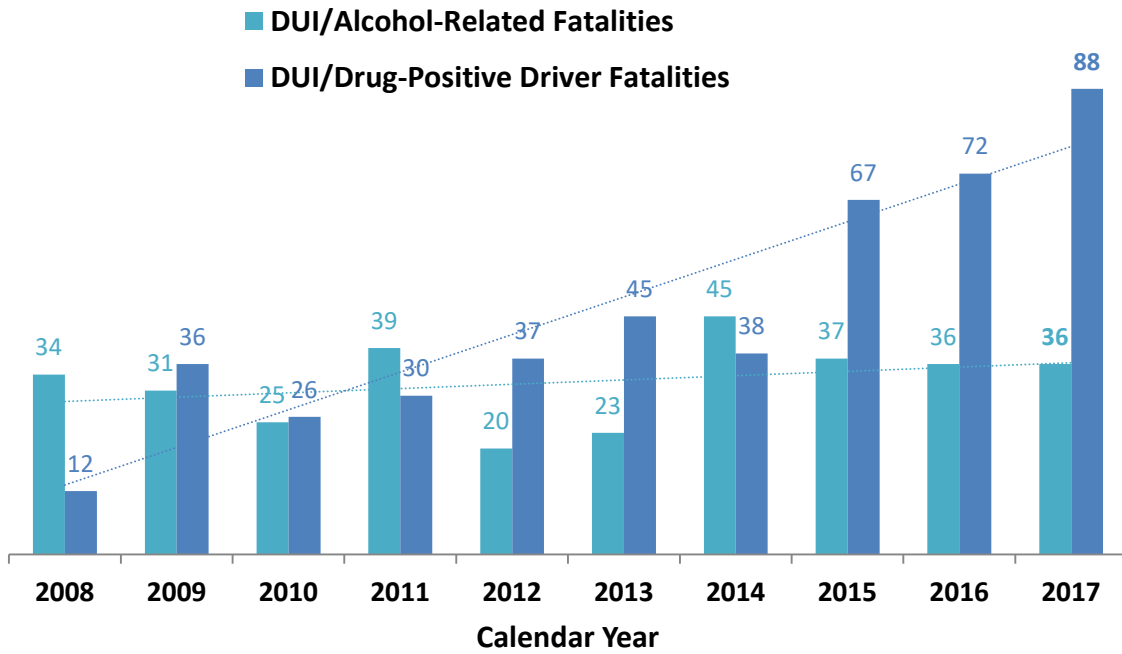


Source: Utah Department of Public Safety, Highway Safety Office

DUI-Related Fatalities

As seen in the figures on the next page, DUI-related fatalities involving alcohol have remained fairly stable over the past ten years, with the 36 fatalities occurring in 2017 (calendar year) unchanged from 2016 and just above the 10-year average of 33 fatalities per year. The picture once again is much different for DUI-related fatalities involving drugs – the 88 drug-positive driver fatalities in 2017 is the highest in the past ten years and represents a 22% increase over 2016 (also +138% since 2012, and over seven times the number of drug-positive driver fatalities in 2008 when there were 12). This also greatly exceeds the 10-year average of 45 drug-positive driver fatalities per year, with each of the past three years being significantly higher than average.

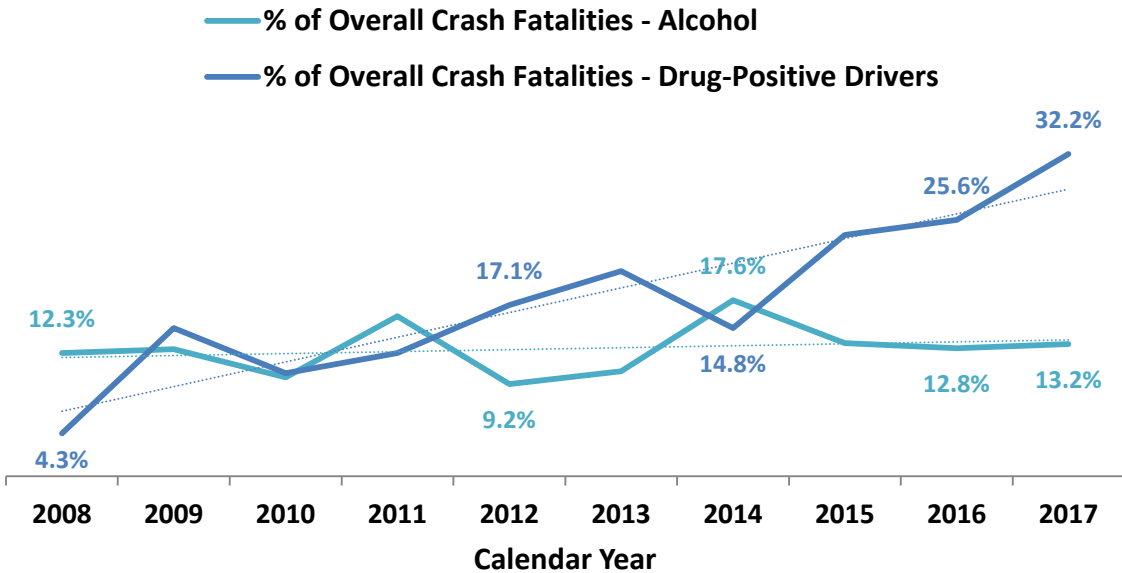
SIXTEENTH ANNUAL DUI REPORT TO THE UTAH LEGISLATURE



Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$. DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of $< .08$. **Drug presence does not imply impairment.**

In addition to the increase in the raw number of drug-positive driver fatalities, these types of fatalities are likewise increasing as a percentage of the overall number of crash fatalities. Unlike crashes and injuries, both alcohol- and drug-related DUI fatalities make up a greater percentage of the total crash fatalities in a given year. Of the 273 total crash fatalities in 2017, 13.2% were alcohol-related and almost a third (32.2%) involved a drug-positive driver fatality. As seen in the figure below, the percentage of drug-positive driver fatalities has increased substantially over the last ten calendar years.

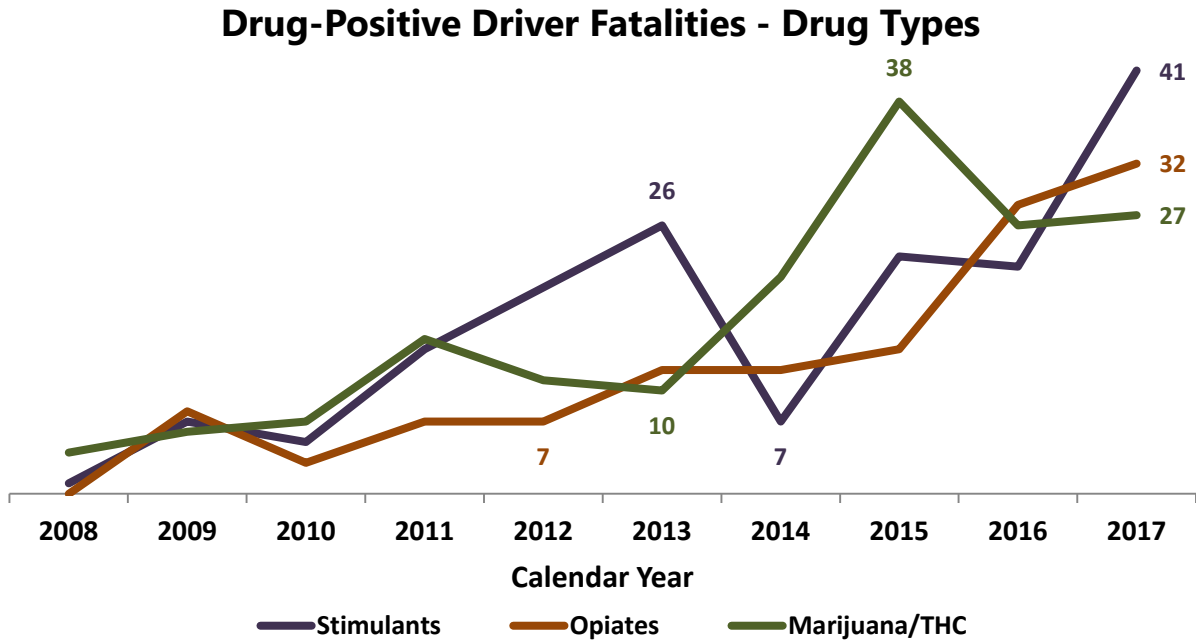


Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$. DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of $< .08$. **Drug presence does not imply impairment.**

Drug Positive Driver Test Results in Fatal Crashes – Drug Types

Of the 88 drug-positive driver fatalities in 2018, the most common drugs found in the positive tests were stimulants (e.g., methamphetamine, amphetamines, cocaine; 41, or 47%), opioids/narcotic analgesics (e.g., oxycodone, hydrocodone, morphine, heroin, fentanyl; 32, or 36%), marijuana/THC (27, or 31%), and depressants (e.g., barbiturates, sedatives; 22, or 25%). The figure below shows the trends over the past ten years for the three most common drug types found in positive drug tests of drivers in fatal automobile crashes. Both stimulant and opioid positive driver fatalities are at their highest numbers over the period in 2017, while marijuana positive fatalities peaked in 2015. Just as drug positive driver fatalities in general have increased rapidly over the 10-year period, so have fatalities associated with each of these three categories of drugs. See Table A12 in the Appendix for the full data related to this topic.



Source: Utah Department of Public Safety, Highway Safety Office

Note: DUI/drug-positive driver fatalities include only drivers who tested positive for drugs and had a BAC of < .08. Drug presence does not imply impairment. More than one drug may be present in a positive test result.

4

Court Activities

Adjudications and Sanctions

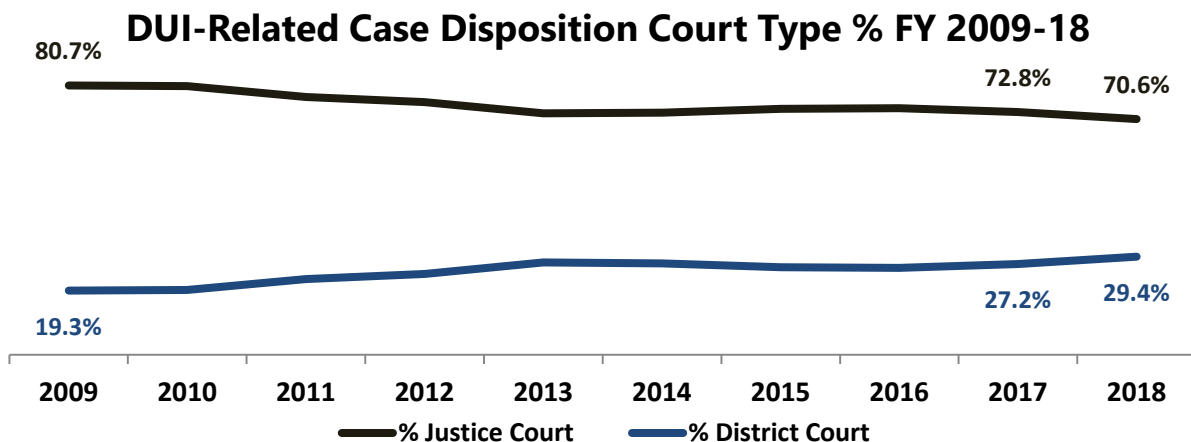
DUI-related offenses are classified either as misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense.

- In general, first and second DUI offenses (within 10 years) are classified as **class B misdemeanors**.
- A first or second DUI offense (within 10 years) is classified as a **class A misdemeanor** if it involves bodily injury, a passenger who is under 16 years of age, a passenger under 18 years of age if the driver is 21 or older, or if the driver was driving in the wrong direction on a freeway or controlled-access highway.
- A DUI offense is classified as a **3rd degree felony** if it is a third or subsequent offense within 10 years, if it involves serious bodily injury, or if the person has any prior felony DUI conviction or automobile homicide conviction.

Utah’s **Justice Courts**, which are established by municipalities and counties, handle offenses classified as class B misdemeanors, class C misdemeanors, violations of local ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice Court jurisdictions are determined by the boundaries of the local government entities (e.g., city or county), which hire the judges. On the other hand, **District Courts** are the state trial courts of general jurisdiction. These courts have original jurisdiction to try all civil cases, all criminal felonies, and misdemeanors in certain circumstances. DUI offenses classified as class A misdemeanors and felonies are under the jurisdiction of the state’s District Courts.

DUI-Related Cases and Outcomes

Utah courts disposed 11,720 total DUI-related cases in FY 2018, down 1.7% from FY 2017. Of these cases, 8,277 (71%) were handled by Utah’s Justice Courts (down 5% from FY 2017), while 3,443 (29%) were handled by the state’s District Courts (up 6% from FY 2017; see Table A13 in Appendix). An increasing number of cases have been disposed in the District Courts over the past ten years.



Source: Utah Administrative Office of the Courts

Of the 8,277 DUI-related cases disposed by Utah’s Justice Courts during FY 2018, 78% resulted in a guilty plea or verdict. A similar rate was found in the District Courts, as 77% of the 3,433 cases disposed resulted in a guilty plea or verdict. See Table A14 in the Appendix for the overall disposition rates by court type, and Tables A15-16 for dispositions by county for the Justice Courts and by judicial district for the District Courts.

DUI-Related Sanctions

Additional DUI-related case information collected by the Courts can be found in Table A17 in the Appendix. The data indicate that in FY 2018, Justice Court judges ordered offenders to complete supervised (non-court) probation in 2,429 cases (29% of the total disposed cases), ordered electronic monitoring in 397 cases (5%), and ordered ignition interlock devices in 1,053 cases (13%). Additionally, District Court judges ordered offenders to complete supervised (non-court) probation in 1,576 cases (46% of the total disposed cases), ordered electronic monitoring in 232 cases (7%), and ordered ignition interlock devices in 410 cases (12%).

Orders for Screening, Assessment, Treatment, and Education

See Table A18 in the Appendix for full data on substance use disorder screening and assessment, substance use disorder treatment, and educational series court orders.

Screening & Assessment

As part of any sentence for a DUI-related offense, Utah law requires offenders to participate in a screening and, if indicated by the screening, an assessment. A screening involves gathering information that is used to determine if an individual has a problem with alcohol and/or other drugs, and if so, whether an in-depth clinical assessment is appropriate. An assessment is a collection of detailed information concerning the individual’s alcohol and/or other drug use, emotional and physical health, social roles, and other relevant areas of the individual’s life. The assessment is used to determine the need for substance use disorder treatment.¹

In FY 2018, Justice Court judges ordered offenders to complete substance use disorder screening and assessment in 4,558 cases, which was 71% of the cases with a guilty plea or verdict. The number of orders was down slightly (-1%) from FY 2017. District Court judges were less likely to order screening and assessment, with orders in 1,173 cases (44% of cases with a guilty plea or verdict), though this was up 17% from FY 2017. Overall, 63% of DUI-related cases with a guilty plea or verdict were ordered to screening and assessment.

Treatment

For a first and second DUI-related offense, the court *may* order treatment; for a third or subsequent offense within 10 years, the court *must* order substance use disorder treatment. “Treatment involves the application of planned procedures to identify and change patterns of behavior that are maladaptive, destructive, and/or injurious to health; or to restore appropriate levels of physical, psychological and/or social functioning. Offenders assessed as meeting the diagnostic criteria for a substance use disorder should participate in a treatment program in

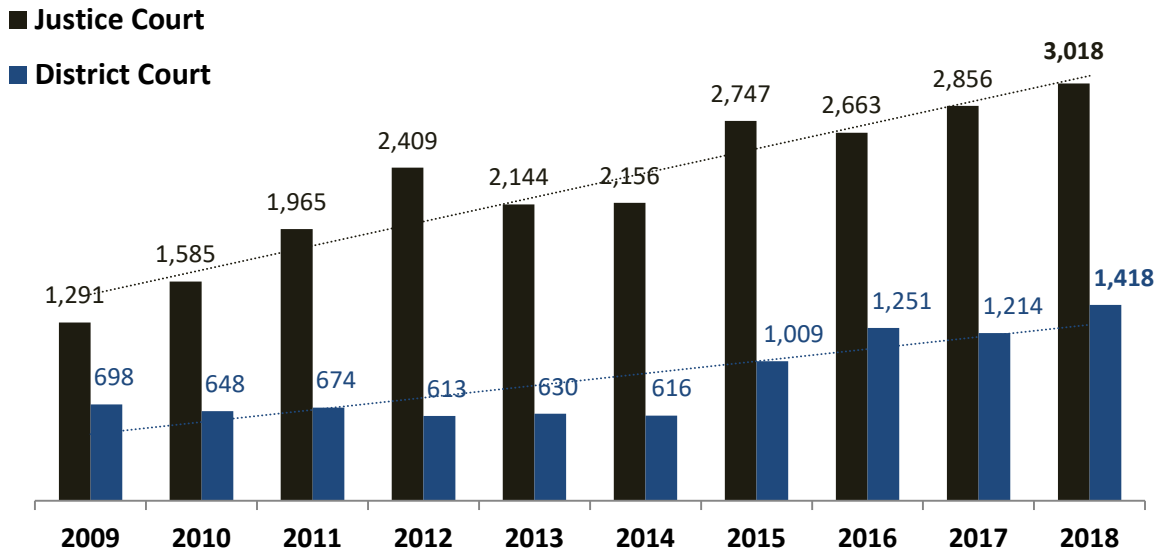
¹ Center for Substance Abuse Treatment, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, Treatment Improvement Protocol (TIP) Series, #7.

addition to, or in lieu of, the educational course.”² Treatment should address both alcohol and other substance use disorders. The level of treatment needed (e.g., day treatment, outpatient, intensive outpatient, residential) is determined by the assessment on the basis of the severity of the substance use disorder.

In FY 2018, Justice Court judges ordered offenders to complete substance use disorder treatment in 3,018 cases, which was 47% of the cases with a guilty plea or verdict. The number of orders was up 6% from FY 2017. District Court judges were somewhat more likely to order treatment, with orders in 1,418 cases (53% of cases with a guilty plea or verdict). The number of orders was up 17% from FY 2017. Overall, almost half (49%) of DUI-related cases with a guilty plea or verdict were ordered to treatment.

As the figure below indicates, orders for substance use disorder treatment have been increasing over the past ten years. In addition to the increases reported above from the prior year, Justice Court judge orders for treatment have increased 41% since FY 2013 and 134% over the 10-year period, and District Court judge orders have increased 130% since a previous low in FY 2014.

**Treatment Orders in DUI-Related Cases by Court
FY 2009-18**



Source: Utah Administrative Office of the Courts

Note: Earlier years may not have full participation of the Justice Courts reporting to the CORIS database.

Education

For a first DUI-related offense and for a second offense within 10 years, the sentence must include participation in an educational series if the court does not order treatment. The purpose of DUI education is to “address any problems or risk factors that appear to be related to use of alcohol and other drugs and attempt to help the individual recognize the harmful consequences of inappropriate use, with special emphasis placed on the dangers of drinking and driving.”³ Utah DUI offenders sentenced to an educational series attend the PRIME For Life® (PFL) program

² Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

³ Utah Sentencing Commission, *DUI Best Sentencing Practices Guidebook*, 2003.

developed by the Prevention Research Institute (PRI). “PRIME For Life® is a motivational intervention that provides education and strategies for individuals who have experienced problems due to high-risk alcohol or drug use. PFL is an interactive experience designed to motivate and guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support those low-risk choices. The program provides research-based, low-risk guidelines and assists participants in making choices to best protect what they value.”⁴

Not surprisingly, education series orders were much more common in the Justice Courts. In FY 2018, Justice Court judges ordered offenders to complete the education series in 2,985 cases, which was almost half (46%) of the cases with a guilty plea or verdict. The number of orders, however, was down 7% from FY 2017. District Court judges only ordered the education series in 476 cases (18% of cases with a guilty plea or verdict), though this number was up 19% from FY 2017. Overall, 38% of DUI-related cases with a guilty plea or verdict were ordered the education series.

The DUI Sentencing Matrix on pages 35-36 of this report provides detailed information regarding DUI-related offense classifications and sanctions.

⁴Stafford, P., Beadnell, B., Rosengren, D.B., Carter-Lunceford, C., & Huynh, H. (2012, April). *PRIME For Life UTAH 2011 Evaluation Report Executive Summary*. Lexington, KY: Prevention Research Institute.

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Driver License Control Hearings

The Department of Public Safety’s Driver License Division is required to suspend or revoke the license of a person who has been convicted or sanctioned for the following:

- Driving under the influence of alcohol and/or other drugs
- Driving with any measurable controlled substance or metabolite in the body
- Not a Drop violation (persons under 21 years of age)
- Refusal to submit to a chemical test
- Automobile homicide
- “No-alcohol” conditional license
- Alcohol restricted driver (ARD) violation
- Interlock restricted driver (IRD) conviction

Hearing Statistics

When a driver is arrested for a DUI-related offense, the license is taken and a 30-day temporary license is issued. Drivers may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within the 30-day period of the temporary license. As shown in the table below, there were 4,116 requested alcohol hearings held in FY 2018. The Division is unable to take any action against a driver if the arresting officer does not appear at the hearing. To improve appearance rates, the Division offers a telephonic option whereby officers or offenders can phone in for the hearing. In 3,103 (75%) of the cases, at least one of the parties called in for the hearing.

Type of Violation	Total Number of Hearings	Total Telephonic	Hearings Resulting in No Action		
			No Officer No Action	Other No Action	Total No Action
Per Se Alcohol/Drug	3,448	2,562	1,023	312	1,335
Not a Drop (< 21)	95	73	26	8	34
Refusal of Chemical Test	573	468	134	27	161
TOTAL	4,116	3,103	1,183	347	1,530

Source: Utah Department of Public Safety, Driver License Division

APPENDIX: Associated Data Tables

The following tables provide more detailed data for information referenced in this report.

Table A1. DUI-related Arrests by County and Region in FY 2018, Compared to Population and Miles

County	DUI-Related Arrests FY 2018		July 1, 2017 Utah Population Estimates		Vehicle Miles Traveled Calendar Year 2017	
	Number	Percent	Number	Percent	Number	Percent
Beaver	74	0.7%	6,386	0.2%	303,161,260	1.1%
Box Elder	167	1.6%	54,079	1.7%	988,190,685	3.7%
Cache	302	2.9%	124,438	4.0%	691,773,604	2.6%
Carbon	97	0.9%	20,295	0.7%	266,851,359	1.0%
Daggett	4	<0.1%	1,029	<0.1%	28,478,903	0.1%
Duchesne	101	1.0%	20,026	0.7%	329,297,363	1.2%
Emery	47	0.5%	10,077	0.3%	391,560,060	1.5%
Garfield	23	0.2%	5,078	0.2%	124,427,742	0.5%
Grand	72	0.7%	9,674	0.3%	404,914,180	1.5%
Iron	297	2.9%	51,001	1.6%	791,915,996	2.9%
Juab	116	1.1%	11,250	0.4%	456,455,114	1.7%
Kane	34	0.3%	7,567	0.2%	162,426,029	0.6%
Millard	128	1.2%	12,863	0.4%	546,394,329	2.0%
Morgan	31	0.3%	11,873	0.4%	140,104,025	0.5%
Piute	3	<0.1%	1,420	0.1%	24,248,866	0.1%
Rich	5	0.1%	2,391	0.1%	49,961,921	0.2%
San Juan	77	0.7%	15,356	0.5%	312,869,533	1.2%
Sanpete	93	0.9%	30,035	1.0%	215,159,695	0.8%
Sevier	109	1.1%	21,316	0.7%	320,325,665	1.2%
Summit	164	1.6%	41,106	1.3%	792,903,925	2.9%
Tooele	363	3.5%	67,456	2.2%	705,526,620	2.6%
Uintah	139	1.3%	35,150	1.1%	341,570,681	1.3%
Wasatch	205	2.0%	32,106	1.0%	388,354,823	1.4%
Washington	554	5.3%	165,662	5.3%	1,413,912,906	5.3%
Wayne	2	<0.1%	2,719	0.1%	41,125,677	0.2%
Non-Wasatch/Rural	3,207	30.9%	760,353	24.5%	10,231,910,961	38.0%
Davis	861	8.3%	347,637	11.2%	2,570,779,948	9.6%
Utah	1,567	15.1%	606,425	19.55%	4,077,043,141	15.1%
Weber	977	9.4%	251,769	8.12%	1,496,463,856	5.6%
Other Wasatch Front	3,405	32.8%	1,205,831	38.9%	8,144,286,945	30.2%
Salt Lake	3,771	36.3%	1,135,649	36.6%	8,542,296,289	31.7%
Undefined	Not Applicable				8,570,956	<0.1%
TOTAL	10,383	100.0%	3,101,833	100.0%	26,927,065,151	100.0%

Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division
Source for Population Data: U.S. Census Bureau, Population Division
Source for Vehicle Miles Traveled: Utah Department of Transportation

Table A2. DUI-related Arrest Rates* by County and Region, FY 2009-18

County/Region	Fiscal Year									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Beaver	130.3	133.8	98.1	90.7	74.4	75.9	100.6	74.0	108.3	115.9
Box Elder	42.9	35.6	33.0	25.2	28.6	25.6	27.2	35.7	28.2	30.9
Cache	47.3	36.3	41.4	35.8	33.8	27.3	22.1	26.2	21.6	24.3
Carbon	126.0	94.1	84.1	54.0	63.0	31.0	29.0	31.3	36.3	47.8
Daggett	72.6	70.9	160.5	116.6	108.4	35.5	62.7	0.0	9.1	38.9
Duchesne	90.1	72.0	75.2	81.1	99.6	72.9	55.9	44.6	43.8	50.4
Emery	83.9	91.3	100.2	53.7	59.0	63.3	51.7	33.8	41.1	46.6
Garfield	67.4	101.0	44.5	56.3	35.1	33.4	35.8	2.0	38.1	45.3
Grand	138.3	126.4	97.6	130.9	158.2	99.4	105.0	107.2	74.1	74.4
Iron	91.5	67.1	55.2	50.9	50.3	56.6	58.2	43.8	39.9	58.2
Juab	154.4	112.8	111.3	99.8	108.4	71.5	58.2	98.2	96.3	103.1
Kane	196.6	103.9	129.1	86.0	54.9	79.9	68.9	61.7	49.1	44.9
Millard	68.6	58.4	67.2	73.1	63.4	50.5	55.5	69.6	90.6	99.5
Morgan	43.5	36.2	45.4	35.2	25.2	17.7	33.0	30.7	24.5	26.1
Piute	62.2	47.3	32.1	25.9	26.0	19.9	20.2	19.8	6.8	21.1
Rich	70.2	25.8	17.7	57.1	66.5	65.6	43.6	30.3	21.6	20.9
San Juan	60.5	90.8	58.3	37.4	52.5	45.4	43.9	39.3	31.4	50.1
Sanpete	52.7	25.0	22.6	27.7	21.4	22.3	25.6	20.2	26.9	31.0
Sevier	83.4	76.1	86.0	78.0	53.6	77.2	50.5	31.9	28.2	51.1
Summit	94.6	91.2	81.8	93.0	67.6	62.1	65.5	56.3	51.9	39.9
Tooele	86.9	68.5	72.1	83.4	73.4	58.3	63.6	60.8	63.1	53.8
Uintah	152.4	99.1	111.4	130.3	102.5	69.5	49.9	47.5	36.6	39.5
Wasatch	69.6	52.9	48.4	49.5	61.1	58.6	71.1	95.7	94.7	63.9
Washington	56.0	43.0	38.0	56.5	28.0	27.9	32.2	31.1	30.7	33.4
Wayne	22.8	29.7	43.2	29.2	3.7	3.6	11.0	3.7	3.7	7.4
Non-Wasatch/Rural	74.6	59.4	57.5	53.7	50.5	43.6	42.9	41.9	40.1	42.2
Davis	52.9	44.0	44.8	39.5	33.5	25.4	24.8	26.3	26.6	24.8
Utah	36.0	34.7	30.9	29.1	26.8	27.7	28.5	28.5	26.1	25.8
Weber	61.6	54.3	45.9	44.8	46.2	42.5	51.4	44.4	42.4	38.8
Other Wasatch Front	46.4	41.5	38.3	35.5	32.9	30.2	32.3	31.2	29.6	28.2
Salt Lake	55.8	64.8	57.0	52.6	48.1	41.2	37.2	36.8	38.0	33.2
Statewide TOTAL	56.9	54.6	50.0	46.3	42.9	37.6	36.7	35.9	35.3	33.5

Source for DUI Arrest Data: Utah Department of Public Safety, Driver License Division

Source for Population Data: U.S. Census Bureau, Population Division

*Arrest Rates are the number of arrests per 10,000 population

Table A3. DUI-Related Arrests by Gender

DUI-Related Arrests by Gender	FY 2016		FY 2017		FY 2018	
	Number	Percent	Number	Percent	Number	Percent
Male	7,801	72.5%	7,747	72.0%	7,465	71.9%
Female	2,763	25.7%	2,777	25.8%	2,666	25.7%
Unspecified	191	1.8%	238	2.2%	252	2.4%
TOTAL	10,755	100.0%	10,762	100.0%	10,383	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A4. DUI-Related Arrests by Age

DUI-Related Arrests by Age	FY 2016		FY 2017		FY 2018	
	Number	Percent	Number	Percent	Number	Percent
Ages 14-20	1,339	12.4%	1,304	12.1%	1,255	12.1%
Ages 21-24	1,774	16.5%	1,623	15.1%	1,533	14.8%
Ages 25-36	4,051	37.7%	4,136	38.4%	3,922	37.8%
Ages 37-48	2,195	20.4%	2,231	20.7%	2,197	21.2%
Ages 49-87	1,396	13.0%	1,468	13.6%	1,476	14.2%
TOTAL	10,755	100.0%	10,762	100.0%	10,383	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A5. DUI-Related Arrests by Agency Type

DUI-Related Arrests by Agency Type	FY 2016		FY 2017		FY 2018	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,463	13.6%	1,248	11.6%	1,193	11.5%
City Police/Other	5,725	53.2%	6,112	56.8%	6,140	59.1%
Highway Patrol	3,567	33.2%	3,402	31.6%	3,050	29.4%
TOTAL	10,755	100.0%	10,762	100.0%	10,383	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A6. DUI-Related Arrests by Blood/Breath Alcohol Concentration (BAC)

DUI-Related Arrests by BAC	FY 2016		FY 2017		FY 2018	
	Number	Percent	Number	Percent	Number	Percent
BAC Result Not Reported*	4,805	44.7%	5,168	48.0%	3,971	38.2%
.00 - .04	117	1.1%	132	1.2%	138	1.3%
.05 - .07	222	2.1%	228	2.1%	233	2.2%
.08 - .10	770	7.2%	724	6.7%	799	7.7%
.11 - .15	1,588	14.8%	1,330	12.4%	1,616	15.6%
.16 - .20	1,129	10.5%	1,032	9.6%	1,447	13.9%
.21 - .25	505	4.7%	495	4.6%	831	8.0%
.26 - .49	261	2.4%	277	2.6%	626	6.0%
Refused BAC Test	1,358	12.6%	1,376	12.8%	722	6.9%
TOTAL	10,755	100.0%	10,762	100.0%	10,383	100.0%

Source: Utah Department of Public Safety, Driver License Division
 *Arrestee may have submitted to a blood test, but the Driver License Division never received the results, or this was a DUI/drug-related arrest and there was no BAC.

Table A7. Repeat Offenders by Type of DUI-related Arrest

Note: The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by identifying arrests that occurred in FY 2018 as a starting point, then counting back ten years to determine previous arrests. Each arrest was placed in a column determined by the type of the arrest or violation.

FY 2018 Arrest Type Offense	Per se Alcohol (.08)/ Drug	Refusal of Chemical Test	Not a Drop (<21)	Drug Metabolite	Commercial Driver (.04)	Unknown (no box marked)	TOTAL	
							Number	Percent
1 st	5,842	915	289	320	11	0	7,377	71.1%
2 nd	1,583	336	15	54	1	1	1,990	19.2%
3 rd	564	124	8	18	0	0	714	6.9%
4 th	168	39	2	3	0	1	213	2.1%
5 th	46	12	0	3	0	0	61	0.6%
6 th -10 th	25	3	0	0	0	0	28	0.3%
TOTAL	8,228	1,429	314	398	12	2	10,383	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A8. DUI-related Arrests by Month

DUI-Related Arrests by Month	FY 2016		FY 2017		FY 2018	
	Number	Percent	Number	Percent	Number	Percent
July	877	8.2%	969	9.0%	1,002	9.6%
August	862	8.0%	819	7.6%	866	8.3%
September	768	7.1%	890	8.3%	839	8.1%
October	890	8.3%	938	8.7%	843	8.1%
November	931	8.7%	806	7.5%	888	8.6%
December	780	7.3%	877	8.1%	866	8.3%
January	914	8.5%	883	8.2%	864	8.3%
February	942	8.8%	863	8.0%	803	7.7%
March	997	9.3%	994	9.2%	927	8.9%
April	902	8.4%	934	8.7%	810	7.8%
May	1,009	9.4%	890	8.3%	851	8.2%
June	883	8.2%	899	8.4%	824	7.9%
TOTAL	10,755	100.0%	10,762	100.0%	10,383	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A9. Arrests by Violation Type

DUI-Related Arrests by Violation Type	FY 2016		FY 2017		FY 2018		Percent Change FY 17-FY 18
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	8,800	81.8%	8,755	81.3%	8,228	79.2%	-6.0%
Refusal of Chemical Test	1,358	12.6%	1,376	12.8%	1,429	13.8%	+3.9%
Drug Metabolite	219	2.0%	268	2.5%	398	3.8%	+48.5%
Not a Drop (< 21)	356	3.3%	335	3.1%	314	3.0%	-6.3%
Commercial Driver (.04)	9	0.1%	19	0.2%	12	0.1%	-36.8%
Unknown (no box marked)	13	0.1%	9	0.1%	2	<0.1%	-77.8%
TOTAL	10,755	100.0%	10,762	100.0%	10,383	100.0%	-3.5%

Source: Utah Department of Public Safety, Driver License Division

Table A10. DUI/Alcohol-related Crashes, Injuries, and Fatalities by Calendar Year

DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah, CY 2008-2017									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/Alcohol Crashes*	Percent DUI/Alcohol	Total Injured Persons	DUI/Alcohol Injured Persons	Percent DUI/Alcohol	Total Crash Fatalities	DUI/Alcohol Fatalities**	Percent DUI/Alcohol
2008	56,367	2,330	4.1%	24,673	1,596	6.5%	276	34	12.3%
2009	51,367	2,019	3.9%	22,847	1,288	5.6%	244	31	12.7%
2010	49,368	1,723	3.5%	21,675	1,150	5.3%	253	25	9.9%
2011	52,287	1,662	3.2%	22,325	1,019	4.6%	243	39	16.0%
2012	50,600	1,727	3.4%	22,336	1,043	4.7%	217	20	9.2%
2013	55,637	1,736	3.1%	22,740	1,073	4.7%	220	23	10.5%
2014	54,036	2,128	3.9%	23,364	1,377	5.9%	256	45	17.6%
2015	60,012	2,021	3.4%	25,332	1,207	4.8%	278	37	13.3%
2016	62,471	1,970	3.2%	26,738	1,220	4.6%	281	36	12.8%
2017	62,855	1,825	2.9%	25,833	1,149	4.4%	273	36	13.2%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/alcohol-related crashes include only those incidents that involved alcohol.
 **DUI/alcohol-related fatalities include only those incidents where at least one of the drivers had a BAC of $\geq .08$.

Table A11. DUI/Drug-related Crashes, Injuries, and Fatalities by Calendar Year

DUI/Drug-Related Crashes, Injuries and Fatalities in Utah, CY 2008-2017									
Calendar Year	Crashes			Injuries			Fatalities		
	Total Crashes	DUI/Drug-Related Crashes*	Percent DUI/Drug-Related	Total Injured Persons	DUI/Drug-Related Injured Persons	Percent DUI/Drug-Related	Total Crash Fatalities	Drug-Positive Driver Fatalities**	Percent Drug-Positive Related
2008	56,367	565	1.0%	24,673	428	1.7%	276	12	4.3%
2009	51,367	547	1.1%	22,847	443	1.9%	244	36	14.8%
2010	49,368	525	1.1%	21,675	382	1.8%	253	26	10.3%
2011	52,287	603	1.1%	22,325	388	1.7%	243	30	12.3%
2012	50,600	548	1.1%	22,336	383	1.7%	217	37	17.1%
2013	55,637	567	1.0%	22,740	393	1.7%	220	45	20.5%
2014	54,036	636	1.2%	23,364	505	2.2%	256	38	14.8%
2015	60,012	701	1.2%	25,332	459	1.8%	278	67	24.1%
2016	62,471	792	1.3%	26,738	513	1.9%	281	72	25.6%
2017	62,855	1,002	1.6%	25,833	732	2.8%	273	88	32.2%

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.
 **DUI/drug-related fatalities include only drivers who tested positive for drugs and had a BAC of $< .08$.

Note: Drug presence does not necessarily imply impairment. For many drug types, drug presence can be detected long after any impairment that might affect driving has passed. Also, whereas the impairment effects for various concentration levels of alcohol is well understood, little evidence is available to link concentrations of other drug types to driver performance.

Table A12. Drug-positive Driver Test Results in Fatal Crashes by Drug Type & Calendar Year

Drug Category	Calendar Year									
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Stimulants	1	7	5	14	20	26	7	23	22	41
Opioids/Narcotics	0	8	3	7	7	12	12	14	28	32
Marijuana/THC	4	6	7	15	11	10	21	38	26	27
Depressants	2	10	5	7	9	12	6	20	33	22
Dissociative Anesthetics	0	0	1	0	0	0	0	0	2	4
Hallucinogens	0	0	0	0	1	0	0	2	0	0
Other Drug	1	1	1	2	4	23	7	17	9	2
Unknown Type	1	1	3	4	5	2	1	0	2	13

Source: Utah Department of Public Safety, Highway Safety Office
 *DUI/drug-related crashes include only those incidents that involved drugs and no alcohol.
 **DUI/drug-related fatalities include only drivers who tested positive for drugs and had a BAC of < .08.
 Note: Drug presence does not necessarily imply impairment. For many drug types, drug presence can be detected long after any impairment that might affect driving has passed. Also, whereas the impairment effects for various concentration levels of alcohol is well understood, little evidence is available to link concentrations of other drug types to driver performance.

Table A13. DUI-related Cases Disposed by Court Type and Fiscal Year

Court	FY 2016	FY 2017	FY 2018	% Change FY 17 – FY 18
Justice Courts	8,350	8,674	8,277	-4.6%
District Courts	2,944	3,243	3,443	+6.2%
Total Cases Disposed	11,294	11,917	11,720	-1.7%

Source: Utah Administrative Office of the Courts

Table A14. DUI-related Case Disposition Outcomes by Court Type in FY 2018

Court	Case Disposition Outcome		
	Guilty Equivalent*	Not Guilty Equivalent*	Other
Justice Courts	6,448	1,782	47
Percent	77.9%	21.5%	0.6%
District Courts	2,653	604	186
Percent	77.1%	17.5%	5.4%
Total Cases Disposed	9,101	2,386	233
Percent	77.7%	20.4%	2.0%

Source: Utah Administrative Office of the Courts
 Note: This table does not depict the Justice Courts' or District Courts' actual conviction rate, as it includes only cases disposed during FY 2018; pending cases were not included.
 * Guilty-Equivalent = Guilty, No Contest, and Plea in Abeyance; Not Guilty Equivalent = Dismissed, Declined Prosecution, and Not Guilty; Other = Deceased, Diversion, Transferred, and Remanded.

Table A15. DUI-related Case Disposition Outcomes for Justice Courts by County in FY 2018

County	FY 2018 Justice Court DUI-Related Outcomes by County									
	Deceased	Declined Prosecution	Dismissed	Diversion	Guilty	No Contest	Not Guilty	Plea in abeyance	Transferred	Totals
Beaver	0	6	5	0	42	1	0	0	0	54
Box Elder	2	0	37	1	117	1	0	1	0	159
Cache	1	1	22	0	148	2	0	0	0	174
Carbon	1	3	16	0	52	3	0	1	0	76
Daggett	0	1	1	0	4	0	0	0	0	6
Davis	2	0	98	0	382	8	0	3	0	493
Duchesne	0	0	12	0	21	1	0	1	0	35
Emery	0	0	10	0	29	3	0	1	0	43
Garfield	0	0	4	0	19	1	0	0	0	24
Grand	0	0	8	0	39	1	0	1	0	49
Iron	0	0	25	0	137	13	0	1	0	176
Juab	0	0	18	0	59	2	0	2	5	86
Kane	0	2	5	0	24	1	0	2	0	34
Millard	0	0	26	0	56	0	0	17	0	99
Morgan	0	1	9	0	21	3	0	0	0	34
Piute	0	0	1	0	3	0	0	0	0	4
Rich	0	0	5	0	8	0	0	0	0	13
Salt Lake	13	5	790	0	2,478	57	18	14	0	3,375
San Juan	1	1	9	0	37	2	0	0	0	50
Sanpete	0	0	17	0	38	3	0	0	0	58
Sevier	0	0	46	0	93	6	0	18	0	163
Summit	0	2	33	0	143	3	0	10	0	191
Tooele	2	0	84	0	214	3	0	4	0	307
Uintah	0	0	15	0	80	8	1	0	0	104
Utah	13	12	200	0	695	104	0	21	0	1,045
Wasatch	0	2	52	0	113	14	0	31	0	212
Washington	1	13	54	0	295	30	0	2	0	395
Wayne	0	0	0	0	2	0	0	0	0	2
Weber	5	2	110	0	638	56	0	5	0	816
Totals	41	51	1,712	1	5,987	326	19	135	5	8,277
Percent	0.5%	0.6%	20.7%	0.0%	72.3%	3.9%	0.2%	1.6%	0.1%	100.0%

Source: Utah Administrative Office of the Courts
 Note: This table does not depict the Justice Courts' actual conviction rate, as it includes only cases disposed during FY 2018; pending cases were not included.

Table A16. DUI-related Case Disposition Outcomes for District Courts by District in FY 2018

Judicial District	FY 2018 District Court DUI-Related Outcomes by Judicial District										
	Deceased	Declined Prosecution	Dismissed	Diversion	Guilty	No Contest	Not Guilty	Plea in abeyance	Remanded	Transferred	Totals
1 st	0	0	40	0	146	0	0	6	1	3	196
2 nd	1	0	75	0	484	9	0	2	7	3	581
3 rd	3	10	217	0	746	2	4	3	40	44	1,069
4 th	7	1	142	0	574	93	2	7	10	58	894
5 th	0	0	36	0	221	4	0	7	4	1	273
6 th	0	0	30	1	183	0	0	9	1	0	224
7 th	0	0	19	0	46	1	0	4	1	0	71
8 th	0	0	28	0	102	4	0	0	0	1	135
Totals	11	11	587	1	2,502	113	6	38	64	110	3,443
Percent	0.3%	0.3%	17.0%	0.0%	72.7%	3.3%	0.2%	1.1%	1.9%	3.2%	100.0%

Source: Utah Administrative Office of the Courts
 Note: This table does not depict the District Courts' actual conviction rate, as it includes only cases disposed during FY 2018; pending cases were not included.

Table A17. Sanctions in DUI-related Cases by Court Type and Fiscal Year

DUI-Related Case Information and Sanctions	FY 2016	FY 2017	FY 2018
Number of Justice Courts Providing Data	115	116	118
Blood/Breath Alcohol Content (BAC) Known	5,158	5,410	5,384
Justice Courts	4,449	4,672	4,462
District Courts	709	738	922
Ignition Interlock Ordered	1,436	1,511	1,463
Justice Courts	1,014	1,131	1,053
District Courts	422	380	410
Supervised (Non-Court) Probation	3,997	4,168	4,005
Justice Courts	2,521	2,703	2,429
District Courts	1,476	1,465	1,576
Electronic Monitoring	557	628	629
Justice Courts	334	397	397
District Courts	223	231	232
Enhancement Notification	79%	80%	76%
Justice Courts	97%	100%	92%
District Courts	100%	100%	100%

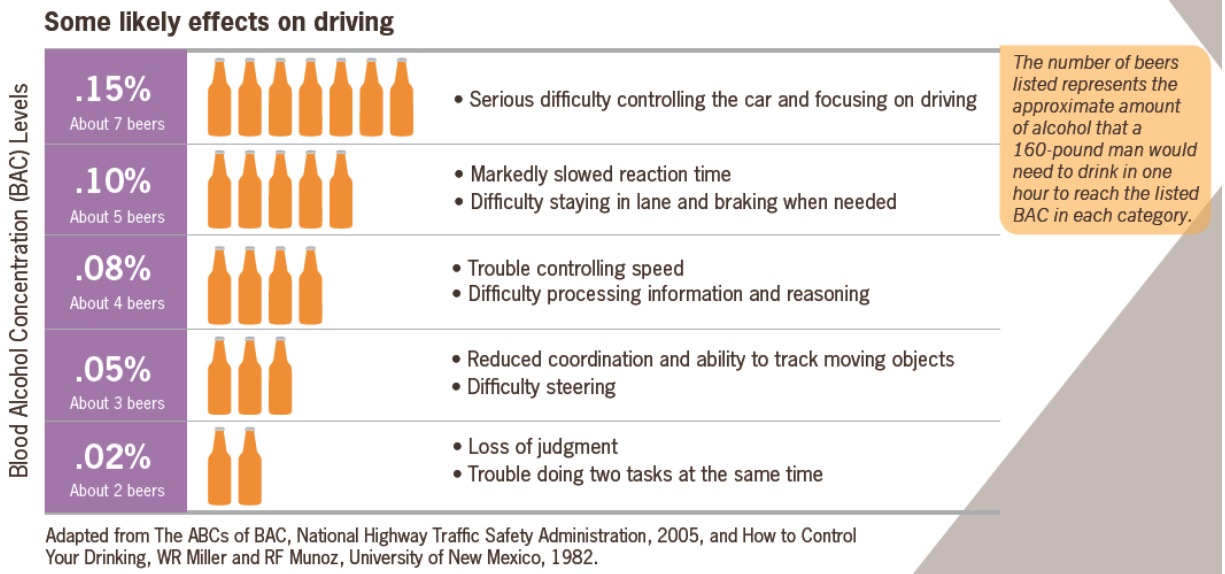
Source: Utah Administrative Office of the Courts

Table A18. Court Orders for Substance Use Disorder Screening and Assessment, Substance Use Treatment, and Educational Series by Court Type and Fiscal Year

DUI-Related Case Court Orders	FY 2016	FY 2017	FY 2018
Substance Use Disorder Screening & Assessment Ordered	5,355	5,622	5,731
Justice Courts	4,309	4,621	4,558
District Courts	1,046	1,001	1,173
Substance Used Disorder Treatment Ordered	3,914	4,070	4,436
Justice Courts	2,663	2,856	3,018
District Courts	1,251	1,214	1,418
Education Series Ordered	3,802	3,624	3,461
Justice Courts	3,419	3,223	2,985
District Courts	383	401	476

Source: Utah Administrative Office of the Courts

Figure A1. Blood Alcohol Concentration and Likely Effects on Driving⁵



⁵ Centers for Disease Control and Prevention Vital signs, *Drinking and Driving: A Threat to Everyone*, October 2011.

UTAH DUI SENTENCING MATRIX

(Current as of May 8, 2018)

Court-Ordered Sentencing	MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE WITHIN 10 YEARS	
CLASSIFICATION (§41-6a-503)	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> • if bodily injury¹ • if passenger is under 16 • if passenger is under 18 and driver is 21 or older • if driving in the wrong direction on a freeway or controlled-access highway 	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> • if bodily injury¹ • if passenger under 16 • if passenger is under 18 and driver is 21 or older • if driving in the wrong direction on a freeway or controlled-access highway 	THIRD DEGREE FELONY <ul style="list-style-type: none"> • if third or subsequent offense within 10 years • if serious bodily injury¹ • if any prior felony DUI conviction or automobile homicide¹ conviction
Jail (§41-6a-505)	SHALL order: 48 consecutive hours OR 48 hours compensatory Service	SHALL order: 240 hours (10 days) OR 120 hours (5 days) AND 720 consecutive hours (30 days) electronic home confinement ² that includes substance abuse testing	SHALL order: 0-5 year prison term OR 1,500 hours jail (62.5 days)
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$50 court security fee	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$50 court security fee	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$50 court security fee, unless a 0-5 prison term is imposed
Screening, Assessment, Educational Series, and Treatment (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment (if found appropriate by screening) • Educational series, unless treatment is ordered MAY order: <ul style="list-style-type: none"> • Treatment 	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment (if found appropriate by screening) • Educational series, unless treatment is ordered MAY order: <ul style="list-style-type: none"> • Treatment 	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment • Treatment as appropriate, unless 0-5 prison term is imposed • Supervised probation, unless 0-5 prison term is not imposed
Supervised Probation³ (§41-6a-507)	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition Interlock⁴ (§41-6a-518) (§41-6a-530)	MAY order: • Ignition interlock SHALL order: • Interlock if under 21 • Interlock for an ARD ⁵ violation OR describe on the record why such order not appropriate	SHALL order: • Ignition interlock SHALL order: • Interlock if under 21 • Interlock for an ARD ⁵ violation OR describe on the record why such order not appropriate	SHALL order: • Ignition interlock SHALL order: • Interlock if under 21 • Interlock for an ARD ⁵ violation OR describe on the record why such order not appropriate
High BAC (.16 or higher) (§41-6a-505)	SHALL order: • Supervised probation • Treatment and interlock and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement OR describe on the record why such order(s) not appropriate	SHALL order: • Supervised probation • Treatment and interlock and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement OR describe on the record why such order(s) not appropriate	SHALL order: • Supervised probation if 0-5 prison term is not imposed • Treatment and interlock and/or ankle attached continuous transdermal alcohol monitoring device and/or electronic home confinement OR describe on the record why such order(s) not appropriate
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years	Court MAY order additional 90 days, 120 days, 180 days, one year or 2 years

¹ A person is guilty of a separate offense for each victim suffering bodily injury, serious bodily injury or death, whether or not the injuries arise from the same episode of driving.

² See §41-6a-506 for electronic home confinement provisions.

³ Supervised probation is also required for all violations of §41-6a-517 (driving with any measurable controlled substance or metabolite in the body).

⁴ 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.

Note: If a person's violation of Section 41-6a-502 does not involve alcohol, the requirement to order ignition interlock does not apply.

⁵ ARD = Alcohol Restricted Driver.

The following statutory provisions also apply to DUI offenders, although they do not require a court order. Failure to comply carries additional criminal sanctions.

Statutory Provisions	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSES WITHIN 10 YEARS
Driver License Denial, Suspension, or Revocation		
Driving Under the Influence/ DUI Conviction (§41-6a-509)	<p>If 21 or older: 120 days</p> <p>If 19-20: Longer of one year or until 21st birthday</p> <p>If under 19: Until 21st birthday</p> <p>Early License Reinstatement for Drivers Under 21: Court may order shortening of the suspension period after 6 months if the person completes a screening; completes an assessment if appropriate; completes an education series or substance abuse treatment, as deemed appropriate by the court; has not been convicted of a violation of a motor vehicle law during the suspension period; has complied with all terms of probation or all court orders if not ordered to probation; and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period.</p>	<p>If 21 or older: 2 years</p> <p>If 19-20: Longer of 2 years or until 21st birthday</p> <p>If under 19: Until 21st birthday</p>
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	<p>If 21 or older: 120 days</p> <p>If 19-20: Longer of one year or until 21st birthday</p> <p>If under 19: Until 21st birthday</p> <p>Early License Reinstatement for Drivers Under 21: Same as above, but sworn statement must include the person has not consumed a controlled substance not prescribed by a practitioner during the suspension period.</p>	<p>If 21 or older: 2 years</p> <p>If 19-20: Longer of two years or until 21st birthday</p> <p>If under 19: Until 21st birthday</p>
Refusal of Chemical Test (§41-6a-521)	<p>If 21 or older: 18 months</p> <p>If under 21: Longer of 2 years or until 21st birthday</p>	<p>If 21 or older: 36 months</p> <p>If under 21: Longer of 36 months or until 21st birthday</p>
Per se Arrest (§53-3-223) <small>≥ .08 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system</small>	<p>If 21 or older: 120 days</p> <p>If under 21: 6 months</p>	<p>If 21 or older: 2 years</p> <p>If under 21: Longer of 2 years or until 21st birthday</p>
Not A Drop (§53-3-231) <small>A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body</small>	<p>If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months</p>	<p>If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday</p>
Failure to Install or Removal of Ignition Interlock Device (§53-3-1007)	<p>A person who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an, interlock device installed in their vehicle. If the interlock device is removed prior to the ending date of the interlock restriction period, the driver license shall be re-suspended until an interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.</p>	
Other Sanctions		
IRD – Interlock Restricted Driver (§41-6a-518.2) <small>An "interlock restricted driver" may not operate a motor vehicle without an ignition interlock. Note: If a person's violation of Section 41-6a-502 does not involve alcohol, or if all offenses are for metabolite convictions under Section 41-6a-517 (no alcohol involved), IRD does not apply.</small>	<ul style="list-style-type: none"> • 18 months IRD for 1st DUI (§41-6a-502) if over 21 • 3 years IRD for 1st Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-521), or 1st DUI (§41-6a-502) if under 21 • 3 years IRD for a combination of two of the following within 10 years: DUI (§41-6a-502), Refusal to Submit to Chemical Test (§41-6a-521), Controlled Substance/Metabolite (§41-6a-517), Alcohol-Related Reckless (§41-6a-512 – <i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), Driving with Controlled Substance/Bodily Injury or Death (§58-37-8(2)(g)), or Automobile Homicide (§76-5-207) • 6 years IRD for Felony DUI (§41-6a-502) • 10 years IRD for Automobile Homicide (§76-5-207) 	
ARD – Alcohol Restricted Driver (§41-6a-529) <small>An "alcohol restricted driver" may not operate or be in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the person's body. Note: If Per se is drug only or metabolite, ARD does not apply.</small>	<ul style="list-style-type: none"> • 2 years ARD for 1st DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5) • 2 years ARD for any Per se offense (§53-3-223) • 3 years ARD for any driving without an IID if an IRD (§41-6a-518.2) or driving with alcohol in body if an ARD (§41-6a-530) offense • 5 years ARD for 1st Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502) • 10 years ARD for 2nd offense, if 2nd offense is DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), or Refusal to Submit to Chemical Test (§41-6a-521); and 1st offense is DUI (§41-6a-502), Alcohol-Related Reckless (<i>only violations prior to July 1, 2008</i>), or Impaired Driving (§41-6a-502.5) • Lifetime ARD for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207) 	



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