

2020



UTAH COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

18th Annual DUI Report to the Utah Legislature



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Statistical Note: Data in this report are current as of October 1, 2020, 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 2020

Arrested for a *per se* violation (80%)

Driver had a .05 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 (57%)



Male (72%)



Age 25-36 (37%)



Had a blood/breath alcohol concentration (BAC) between .11-.15



Arrested on the Wasatch Front in Weber, Davis, Salt Lake or Utah County (70%)



First-time arrestee (72%)



Convicted of DUI (76% in Justice Court; 79% in District Court)

Executive Summary

DUI in Utah: CY 2019 / FY 2020

Law Enforcement: DUI-Related Arrests & Enforcement Activities

- 10,532 DUI-related arrests were made in FY 2020, 537 more (+5%) than in FY 2019.
- Despite a slight increase last year, Utah's DUI-related arrest rate (32.9 per 10,000 population) has declined steadily over the past 10 years, with a 34% decrease since FY 2011 (associated with 3,284 fewer arrests in FY 2020 than in FY 2011), even as the population has greatly increased in the same time (16% increase in statewide population).
- The majority of arrests occurred along the Wasatch Front, with Salt Lake, Davis, Utah, and Weber Counties accounting for 70% of the total. While counties outside the Wasatch Front only accounted for 30% of the total, this was disproportionate to their population (25%).
- DUI-related arrests in FY 2020 displayed the following characteristics:
 - 72% of arrestees were male (25% female, with 2% unspecified).
 - 37% of arrestees were between 25-36 years of age, followed by 23% 37-48, 14% 21-24, 14% 49 and older, and 12% under 21.
 - The majority of arrests (57%) were made by city/municipal police departments, with the rest split between Utah Highway Patrol (32%) and county sheriff's offices (11%).
 - Over forty percent (41%) of the arrests did not have a BAC reported, and 11% of arrestees refused testing. Of those with a BAC reported, 43% exceeded .15. Additionally, 10% fell between .05-.07, an increase over previous years with the first full fiscal year under the new statutory level (.05) in effect since January 2019.
 - It was the first DUI-related arrest for 72% of arrestees, with 19% having one prior arrest and another 9% having two or more prior arrests for DUI.
- The 12% of arrestees under the age of 21 is up slightly (11% in FY2019), and the 1,306 total arrests of underage persons is up 19% over 2019 (though in line with FY2017 levels).
- It is still too soon to see any definitive impacts of changing the statutory BAC level to .05, though there does appear to be a slight increase in arrests after the implementation date.
- Consistent with previous years, 80% of the arrests were for per se violations where the driver had a blood/breath alcohol concentration (BAC) over the legal limit (now .05 as of December 30, 2018), or was impaired by alcohol, other drugs, or a combination of the two to the extent it was unsafe to operate a vehicle.
 - Drug metabolite arrests, which had increased sharply from FY 2014-18 and remained stable in FY2019, decreased sharply (-41%) in FY 2020.
- Arrests included 1,981 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. These overtime shifts have been increasing.

DUI and Drug-Related Crashes, Injuries, and Fatalities

- The numbers of DUI/**alcohol**-related crashes, injuries, and fatalities all decreased last year, particularly fatalities, after increases in 2018.
 - Crashes decreased 2% from CY 2018 to 1,921 in CY 2019; injuries decreased 5% to 1,167 in CY 2019; and fatalities dropped 60% to 19 in CY 2019 the lowest number in over ten years.
- DUI/**drug**-related crashes, injuries, and fatalities also all decreased in 2019, particularly fatalities, after significant increases on all indicators in the previous ten years.
 - Crashes decreased 2% from CY 2018 to 1,039 in CY 2019 (was up 93% 2009-18).
 - Injuries stayed stable at 774 in CY 2019 (773 in CY 2018, was up 75% 2009-18).
 - Drug-positive driver fatalities decreased 31% from CY 2018 to 67 in CY 2019. The 97 fatalities in CY 2018 had previously represented a 273% increase since 2010.
- The most common drug types found in drug-positive driver fatalities in CY 2019 were depressants (e.g., sedatives); marijuana/THC; stimulants (e.g., methamphetamine); and opioids (e.g., oxycodone).

Courts: Adjudications and Sanctions

- In FY 2020, there were 6,568 DUI-related cases disposed by Utah's Justice Courts.
 - 76% resulted in a guilty plea or verdict.
- In FY 2020, there were 2,545 DUI-related cases disposed by the state's District Courts.
 - 79% resulted in a guilty plea or verdict.
- FY 2020 slightly reversed a trend whereby an increasing number and percentage of DUI-related cases had been handled in the District Courts over the previous ten years.

Courts: Orders for Assessment, Treatment, and Education

- Justice Court judges ordered offenders to undergo a substance use disorder screening and assessment in 4,392 cases (88% of guilty), ordered substance use disorder treatment in 3,031 cases (61%), and ordered an educational series in 2,982 cases (60%).
- District Court judges ordered offenders to undergo a substance use disorder screening and assessment in 1,173 cases (58% of guilty), ordered substance use disorder treatment in 1,185 cases (59%), and ordered an educational series in 379 cases (19%).
- Treatment orders have generally increased over the past ten years in both courts.

Driver License Control

- 5,663 hearings were conducted in FY 2020 to determine if there was sufficient information to warrant the suspension or revocation of the individual's driver license.
 - 4,454 (79%) involved at least one of the parties calling in for the hearing.
 - In 2,159 (38%) 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 *18th 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 2019 Utah Legislature and their impact on DUI policy in Utah.

2020 DUI-Related Legislation

H.B. 139 DUI Liability Amendments

Representative Steve Eliason

- This bill criminalizes a person's refusal to submit to a chemical test for alcohol or drugs related to suspicion of driving under the influence of alcohol or drugs in certain circumstances; provides penalties for a person's refusal to submit to a chemical test for alcohol or drugs related to suspicion of driving under the influence of alcohol or drugs; clarifies that driving under the influence is a strict liability offense; clarifies provisions related to driving in the wrong direction while driving under the influence; clarifies that the determination whether an individual is in actual physical control of a vehicle includes consideration of the totality of the circumstances, and creates a safe harbor-provision related to that determination.

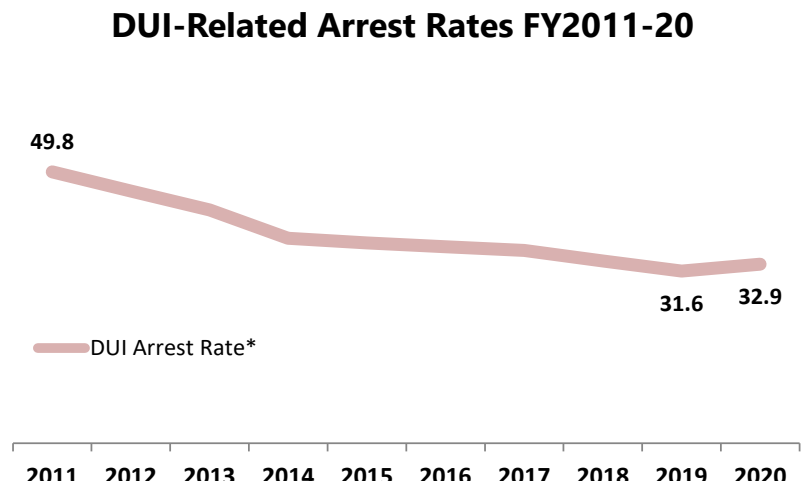
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Law Enforcement Activities

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 2020, law enforcement officers made 10,532 arrests, 537 more (+5%) than in FY 2019. While Utah's population has continued to grow, the arrest rate for DUI-related offenses has declined steadily, with a nearly 34% decrease over the past ten years (associated with 3,284 fewer arrests than FY 2011).

Utah DUI-Related Arrest Rates by Population, FY 2011 - FY 2020			
Fiscal Year	DUI-Related Arrests	Population as of July 1	DUI-Related Arrest Rate*
2011	13,816	2,775,334	49.8
2012	13,031	2,814,216	46.3
2013	12,227	2,853,467	42.8
2014	10,901	2,897,927	37.6
2015	10,802	2,937,399	36.7
2016	10,755	2,982,497	36.0
2017	10,762	3,042,613	35.3
2018	10,383	3,103,118	33.5
2019	9,995	3,161,105	31.6
2020	10,532	3,205,958	32.9



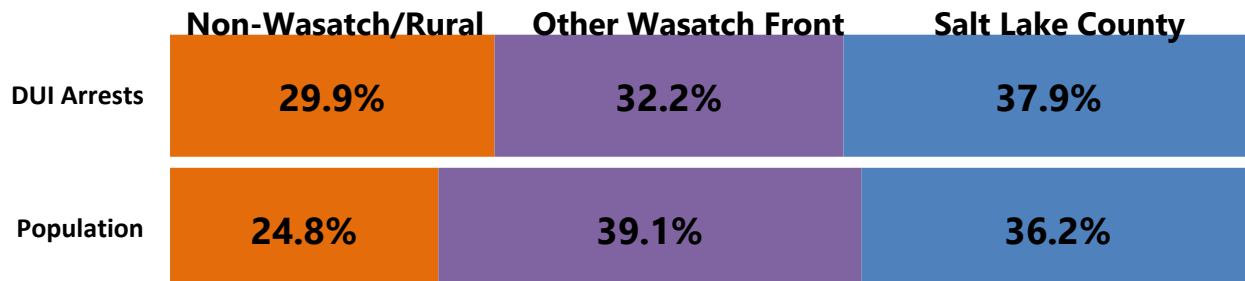
Source of DUI-Related Arrest Data: Utah Department of Public Safety, Driver License Division

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

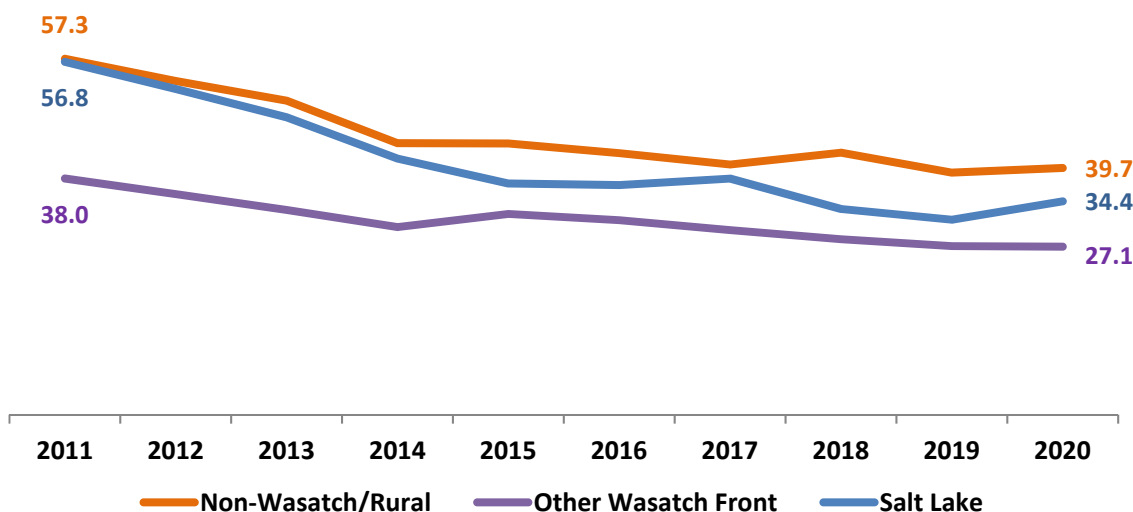
Consistent with past years, the majority of DUI-related arrests during FY 2020 occurred along the Wasatch Front, with Weber, Davis, Salt Lake, and Utah Counties accounting for 70% (7,379) of the total. Salt Lake County had the highest number of arrests with 3,990 (38%), while Daggett County had the fewest arrests with three (see [Table A1](#) in the Appendix for all 2020 data by county, as well as a comparison of arrest percentages to total population). The chart below breaks the 2020 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 (29.9%), relative to the total population in the region (only 24.8% of the total population). Additionally, the figure below shows the DUI-related arrest rate trends over time (FY 2011-20) by region of the state. Consistent with the previous figure, the highest arrest rates in FY 2020 were outside the Wasatch Front (39.7 per 10,000 population), followed by Salt Lake County (34.4), and Davis/Utah/Weber counties (27.1). 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. Salt Lake County has shown the sharpest decline over ten years, though was also responsible for much of the increase in the past year (see [Table A2](#) in the Appendix for all the rate data by county and region).

DUI-Related Arrest Rates* by Region FY2011-20



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 2020 DUI-Related Arrests

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

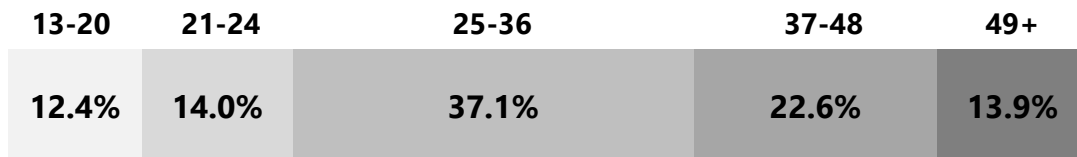
- **Gender:** 72% of arrestees were male, while 25% were female (an additional 2% of arrests did not have gender specified; see [Table A3](#) in the Appendix).
- **Age:** Drivers ages 25-36 accounted for 37% of all arrests, followed by 23% for ages 37-48. 12% of arrestees were under the legal age of 21 (see p.12 for more on this, and see [Table A4](#) for full data).
- **Arresting Agency:** 57% of all arrests were made by municipal law enforcement agencies, with Utah Highway Patrol responsible for 32% and county sheriffs' offices responsible for 11% (see [Table A5](#)).
- **Blood/Breath Alcohol Concentration (BAC):** Over forty percent (41%) of the arrests did not have a reported BAC, while another 11% refused the BAC test. Of those arrests with BAC reported, 43% exceeded .15 (the highest BAC recorded was .47), while 28% fell between .11-.15, 14% between .08-.10, 10% between .05-.07, and 6% under .05 (see [Table A6](#)). Arrests in both categories below .08 increased this year (see p.12).
- **Repeat Offenders:** 72% of arrests were for a first offense, 19% had one prior offense, and 9% were for a third or subsequent offense (see [Table A7](#) for more data by violation type).

- **By Month:** DUI-related arrests remained consistent throughout FY 2020, with an average of 878 arrests per month, though there were slightly more in the period between November and February. The highest number of arrests occurred in January (1,020), with the lowest number of arrests in April (606; see [Table A8](#)). Of note, there appears to be some decrease in DUI arrest activity in the spring corresponding with the start of the pandemic.

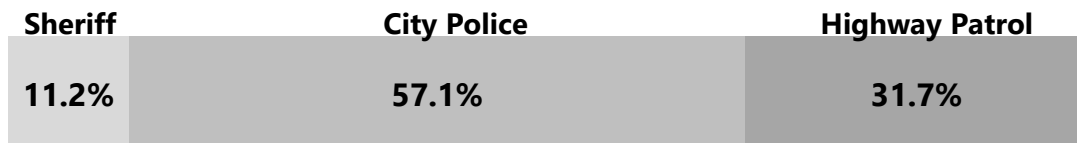
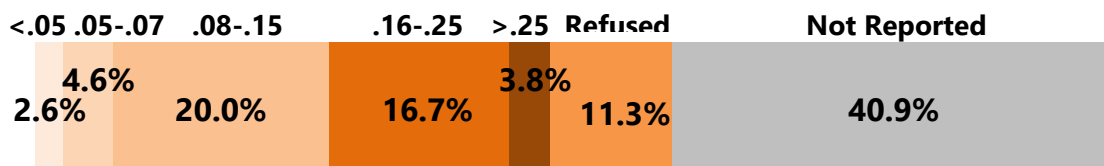
Gender



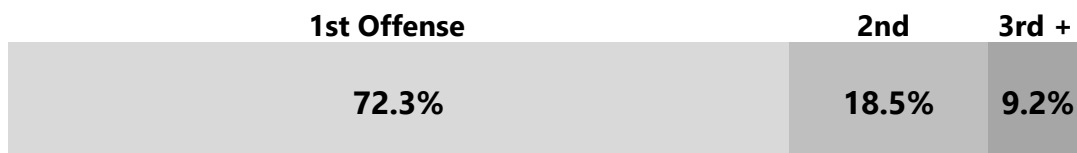
Age



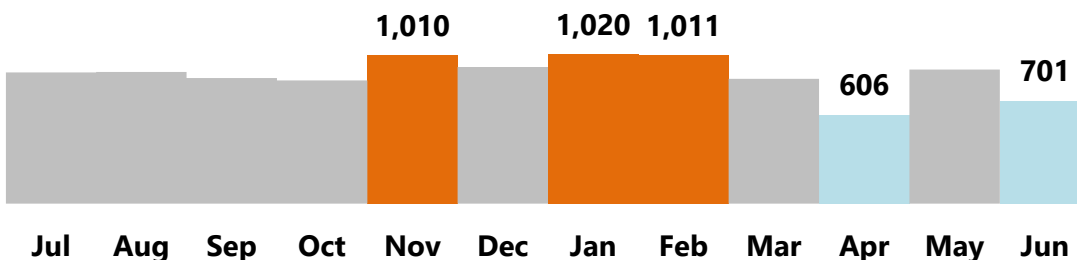
Arresting Agency

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

First-Time vs. Repeat Offenders



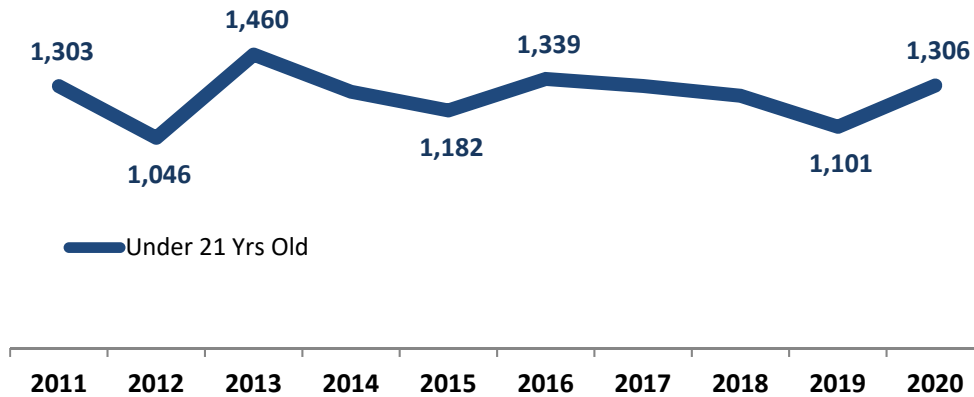
Month of Arrest



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 1,306 total arrests in this category represents an increase of 19% over FY 2019, when there were 1,101 underage arrests.

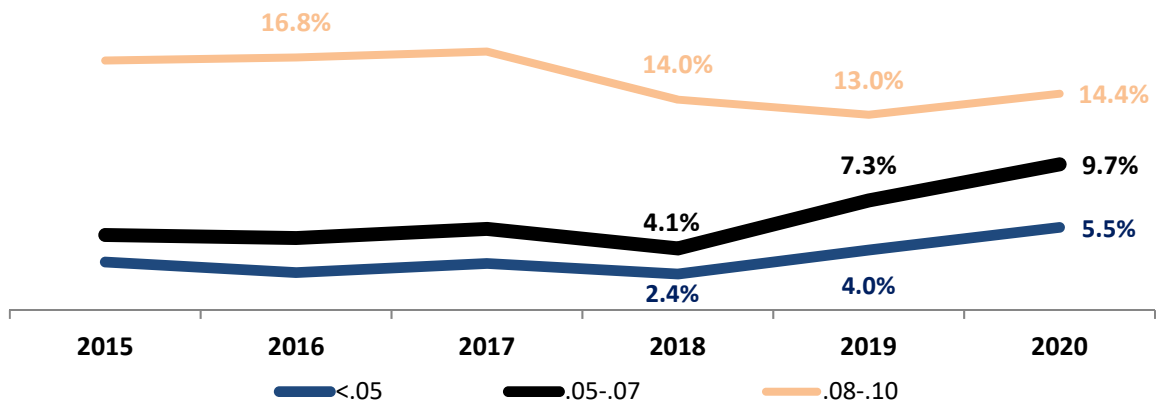
Under 21 DUI-Related Arrests FY2010-19



Early Impacts of Decreasing the Legal BAC Limit to .05

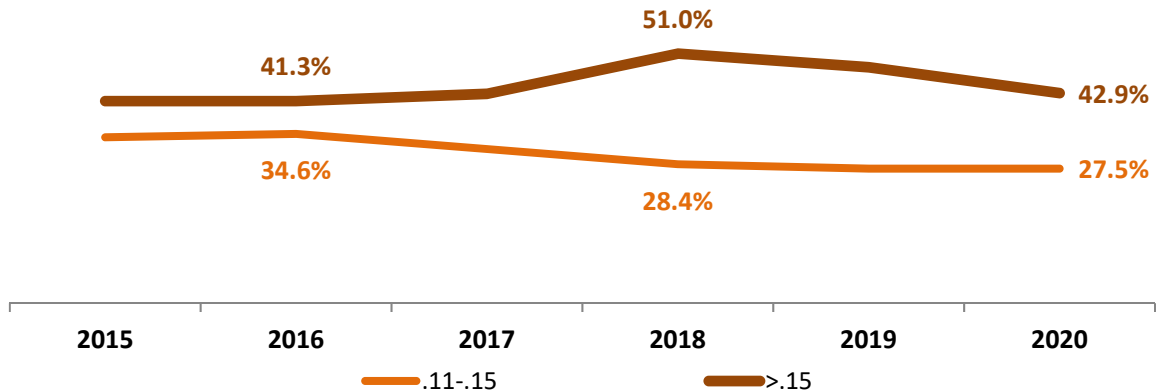
Arrests by BAC Level. Though the data on reported BAC levels discussed above (and in [Table A6](#)) is not broken down by month like the overall arrests, there was an increase in arrests with a BAC below .08. This is particularly the case in the .05-.07 range, where the legal limit was moved on December 31, 2018 – 9.7% of arrests were in this range, compared to 7.3% in FY 2019 and 4.1% in FY 2018. Reported BAC levels in the highest ranges have decreased. It should be noted that the data below are only based on arrests where the BAC was reported or obtained (41% had no BAC reported and 11% of arrestees refused a BAC test, consistent with previous years).

Lower Range BAC Levels Reported* in DUI-Related Arrests FY2015-20



*Note: Specific BAC levels are only generally reported in around half of cases. Data distinguishing <.05 and .05-.07 not available pre-FY2015.

Higher Range BAC Levels Reported* in DUI-Related Arrests FY2015-20

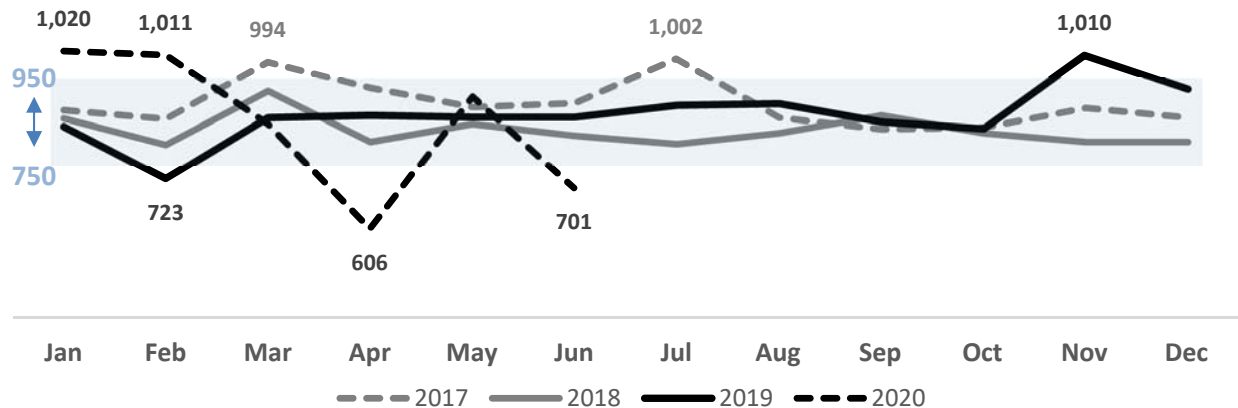


*Note: Specific BAC levels are only generally reported in around half of cases. Data distinguishing <.05 and .05-.07 not available pre-FY2015.

Analysis of Monthly Arrests Before and After Change. Looking closer at the DUI arrests by month before and after the statute change took effect, there is not definitive evidence that it has led to a significant increase in arrests. With only a few exceptions before and after, the number of arrests per month has been consistently in the range of 750 to 950 from January 2017 to June 2020. The average monthly arrest increased slightly from 836 in CY 2018 to 872 in CY 2019, but the average for the first half of 2020 dropped back to 851 (with possibly influence from the pandemic).

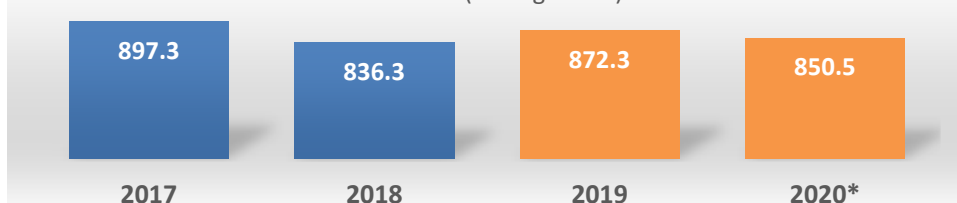
DUI Arrests by Month 2017-20

New DUI Statute Effective 12/31/18 - Gray Lines Pre/Black Lines Post



Average Monthly DUI Arrests (Calendar Year)

* 2020 YTD (through June)

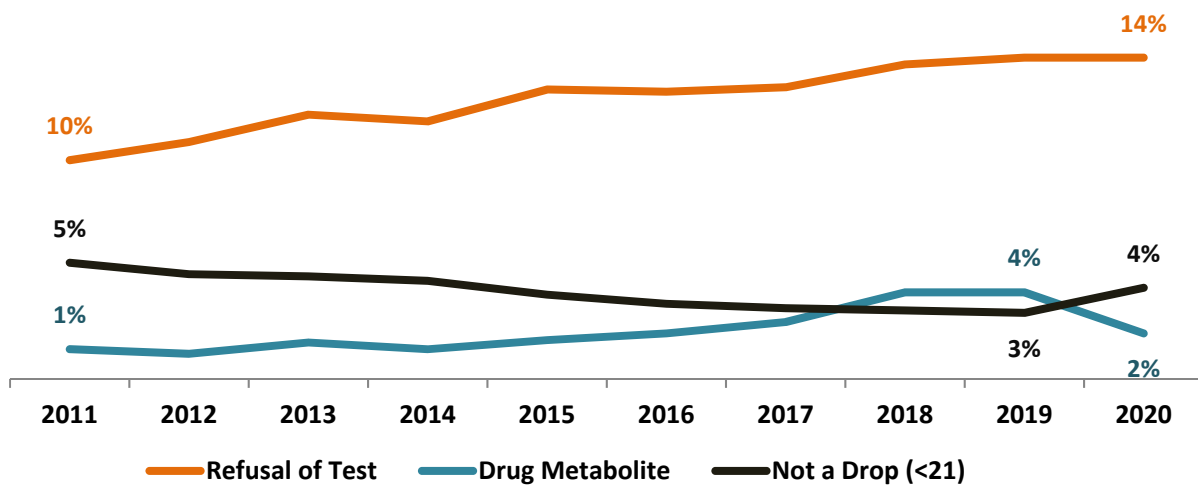


Arrests by Violation Type

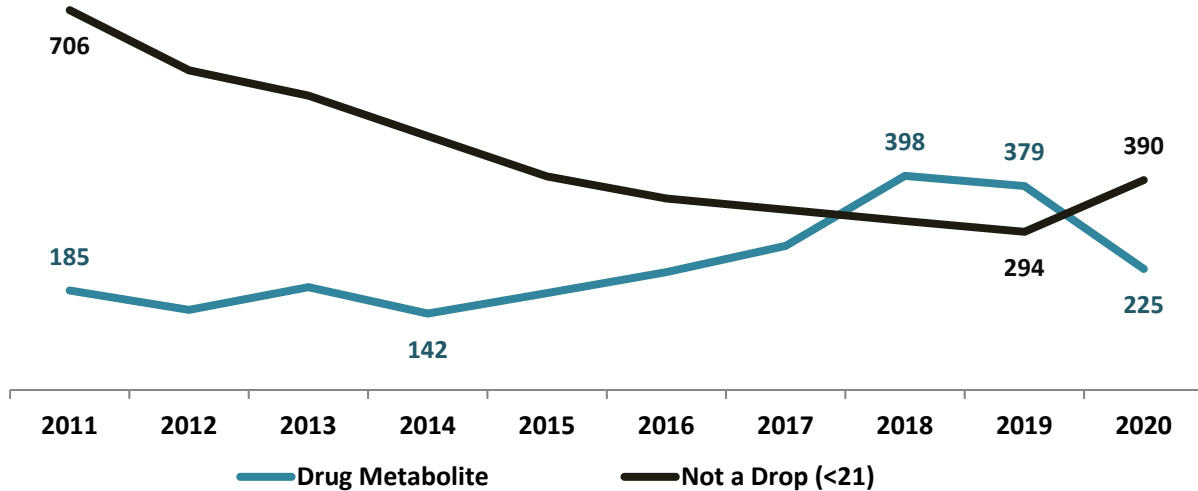
The distribution of DUI-related arrests by type of violation in FY 2020 was similar to previous years (see [Table A9](#) in Appendix), with the vast majority (80%) for **per se violations**. Per se violations occur when the driver has a blood/breath alcohol concentration (BAC) greater than the legal limit (.05 as of December 30, 2018), or is impaired by alcohol, drugs, or a combination of the two to the extent it is unsafe to operate a vehicle. 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. 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 4% of the arrests (up from 3% in FY 2019). 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 2% of arrests, down from 4% in FY 2019 and after a significant increase had occurred between FY 2017 and FY 2018 (+49%). Arrests of **commercial drivers** exceeding the .04 limit represented less than 1% of the total.

The figures below 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 81% over this period). In recent years, there appears to be a slight increase in arrestees refusing to submit to a chemical test, with the 14% the past three years being 10-year highs. Arrests involving a positive drug metabolite test and violations of the Not a Drop statute (< 21 years old) have swapped places in FY 2020 after following contrasting trend lines in the previous nine years. The second figure shows the raw number of arrests for drug metabolite and Not a Drop violations. After more than doubling from FY 2014 to FY 2018, drug metabolite arrests in FY 2020 were at their lowest point since FY 2016. In contrast, while Not a Drop arrests are still well below the number from ten years ago in FY 2011, the 390 arrests for this statute in FY 2020 were the highest since FY 2015.

DUI-Related Arrest Violation Type % FY2011-20



DUI-Related Arrests - Selected Violation Types



Source: Utah Department of Public Safety, Driver License Division

DUI Overtime Enforcement Events

The arrests made in SFY 2020/FFY 2020 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. The total DUI shifts worked have almost tripled (+171%) over a ten year period, with vehicles stopped (+130%) and all other indicators below up significantly as a result.

Statewide DUI Overtime Enforcement Events	State-Funded	Federally-Funded	Totals
	SFY 2020*	FFY 2020*	
DUI Shifts Worked	4,728	1,189	5,917
Vehicles Stopped	38,378	10,773	49,151
DUI Arrests**	1,662	319	1,981
Vehicles Impounded	1,398	271	1,669
Alcohol-Related Arrests***	843	273	1,116
Drug-Related Arrests****	1,737	448	2,185
Warrants Served	5,893	180	6,073
Other Warnings/Citations	40,273	11,369	51,642
Designated Drivers Observed/Documented	406	134	540

Source: Utah Department of Public Safety, Highway Safety Office

*SFY 2020 = July 1, 2019 – June 30, 2020; FFY 2020 = October 1, 2019 – September 30, 2020

**Includes 1,139 DUI/alcohol-related, 616 DUI/drug-related, and 226 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)

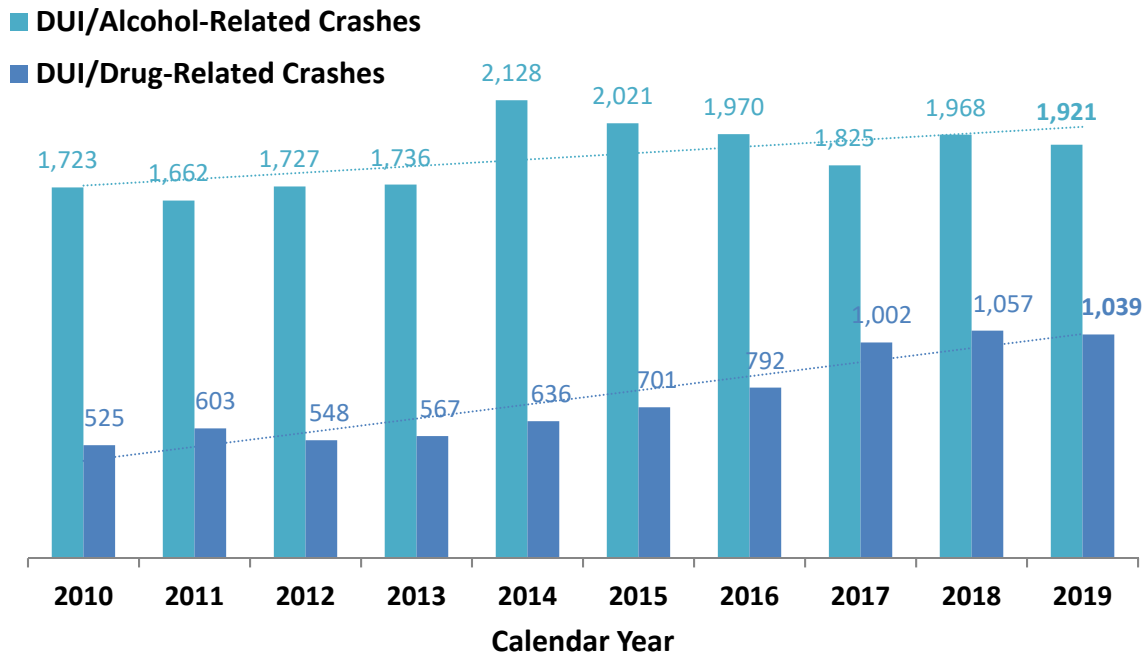
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Crashes, Injuries, & Fatalities

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.

DUI-Related Crashes

Out of a total of 64,595 automobile crashes in 2019 (calendar year), a very small percentage were related to either alcohol (3.0%) 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 fairly steady over the past four years; on the other hand, drug-related crashes have leveled off after a marked increase from 2013-18 (though the 1,039 crashes in 2019 has still almost doubled over the ten year period since 2010).

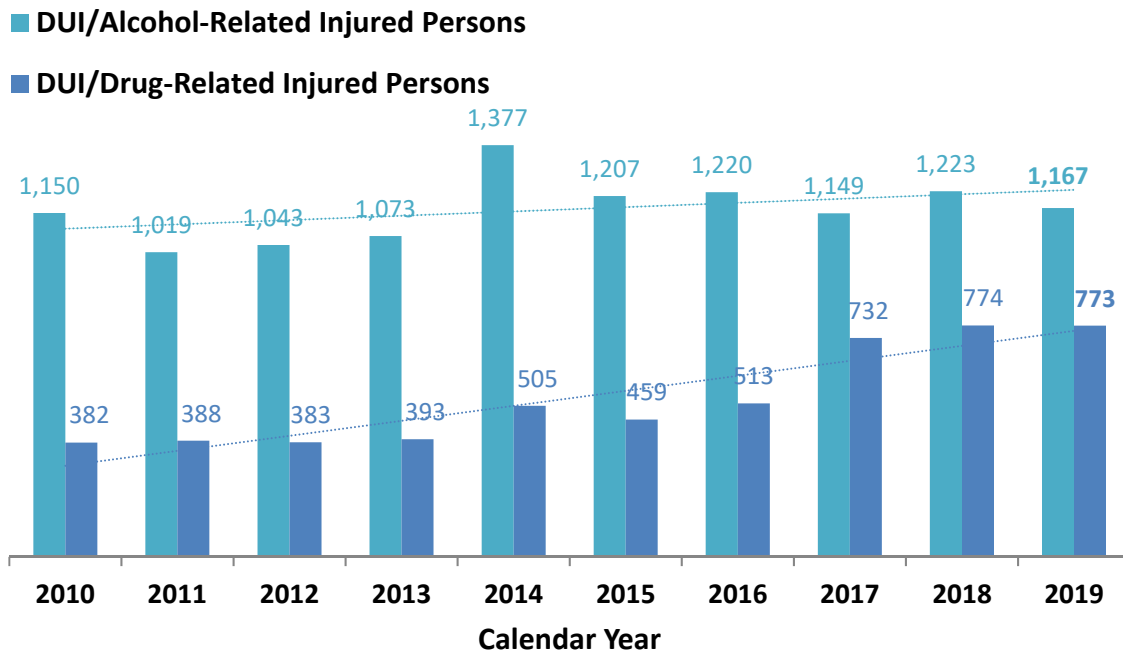


Source: Utah Department of Public Safety, Highway Safety Office

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 26,794 total injured persons involved in automobile crashes in 2019 (calendar year) were related to either alcohol (4.4%) or drug (2.9%) DUIs, though these percentages are somewhat higher than for crashes. Also, while there have consistently been more persons injured in alcohol-related crashes per year, these numbers have been mostly stable over the past ten years. In contrast, the number of persons injured in drug-related crashes has doubled in ten years, closing the gap between the two considerably. There were 1,167 persons injured in alcohol-related crashes in 2019, down 5% from 2018 (and down 15% from a recent high in 2014). The 773 persons injured in drug-related crashes in 2019 was virtually unchanged from 2018.

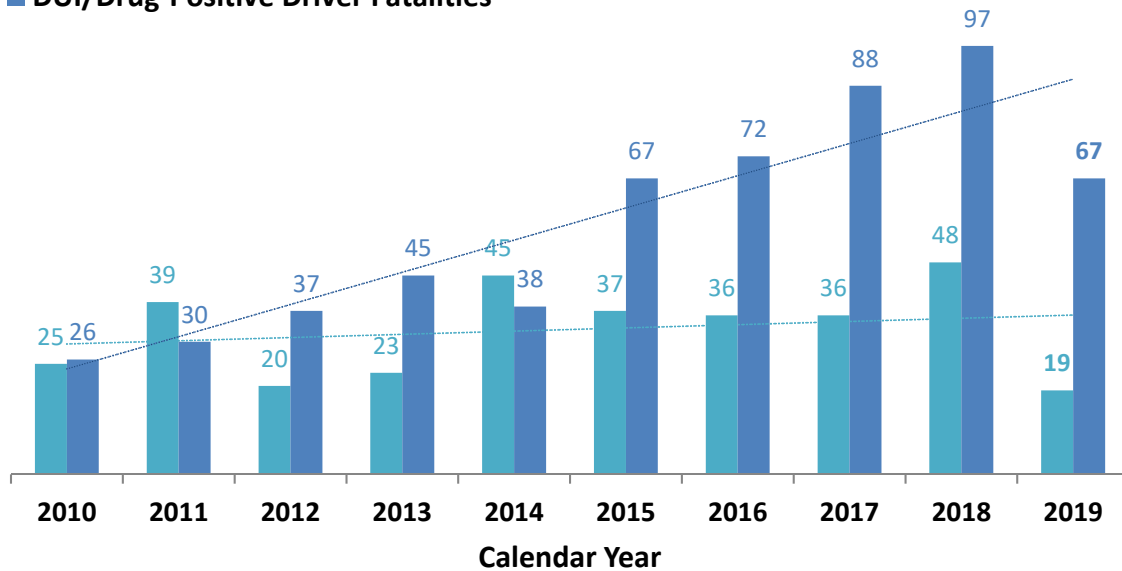


Source: Utah Department of Public Safety, Highway Safety Office

DUI-Related Fatalities

As seen in the figures on the next page, DUI-related fatalities involving both alcohol and drugs were down considerably in 2019 (calendar year). After remaining stable over the past five years, the 19 alcohol-related fatalities occurring in 2019 were a 60% decrease from the 48 that occurred in 2018, and well below the 10-year average of 33 fatalities per year. The picture had been much less stable in recent years for DUI-related fatalities involving drugs – the 97 drug-positive driver fatalities in 2018 represented an almost fourfold increase from 2011. In 2019, however, this number dropped 31% to 67 drug-related fatalities. While this is still above the 10-year average of 57 fatalities per year, it possibly signals the end of a disturbing trend, particularly in the previous four years between 2015-18.

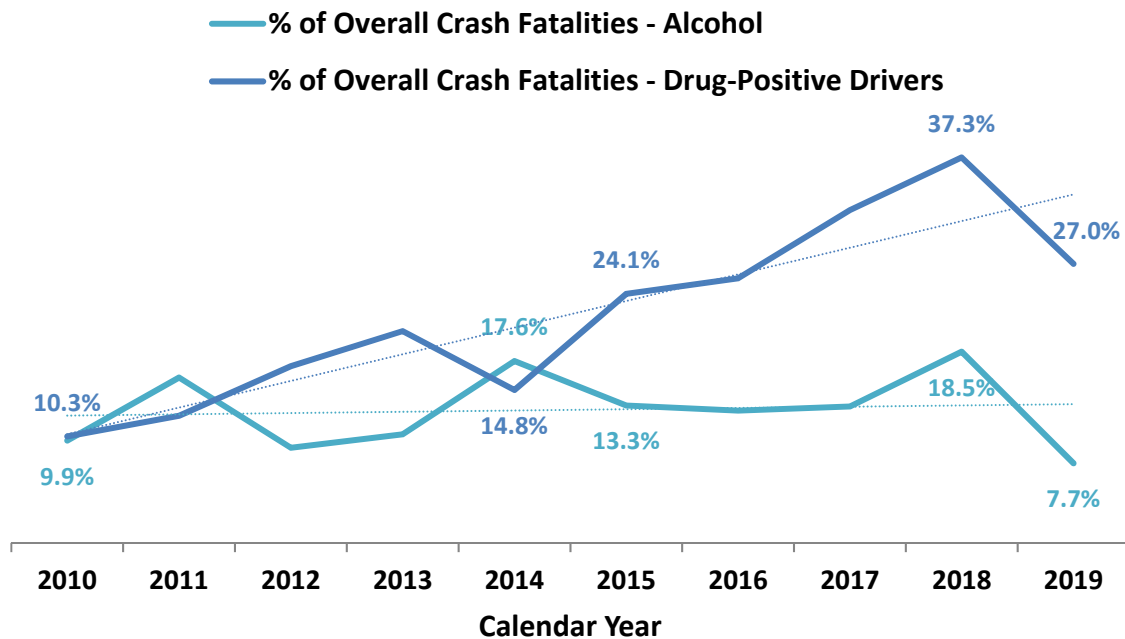
■ DUI/Alcohol-Related Fatalities
■ DUI/Drug-Positive Driver Fatalities



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 decrease in the raw number of both alcohol- and drug-related DUI fatalities, both are likewise decreasing as a percentage of the overall number of crash fatalities. Unlike crashes and injuries, these DUI-related fatalities do make up a greater percentage of total crash fatalities in a given year. Of the 248 total crash fatalities in 2019, 7.7% were alcohol-related (down from 18.5%) and 27% involved a drug-positive driver fatality (down from 37.3%). As seen in the figure below, the percentage of drug-positive driver fatalities had been increasing substantially.



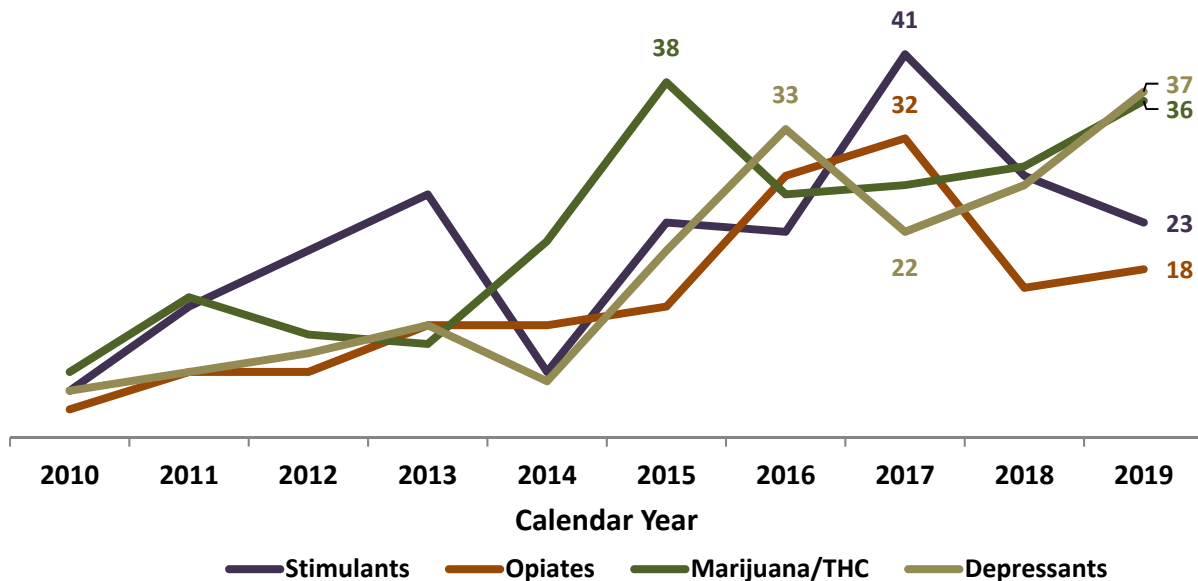
Source: Utah Department of Public Safety, Highway Safety Office

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

The most common drugs found in drug positive tests in fatal crashes in 2019 were depressants (e.g., barbiturates, sedatives; N = 37), marijuana/THC (N = 36), stimulants (e.g., methamphetamine, amphetamines, cocaine; N = 23), and opioids/narcotic analgesics (e.g., oxycodone, hydrocodone, morphine, heroin, fentanyl; N = 18). The figure below shows the trends over the past ten years for these four most common drug types found in positive drug tests of drivers in fatal automobile crashes. Both stimulant and opioid positive tests decreased since highs in 2017, while positive tests for depressants and marijuana have increased in that same time. Marijuana positive tests in 2019 were close to their peak in 2015. It should be noted that a driver in a fatal crash can test positive for more than one drug as well as alcohol (when the BAC is greater than the legal limit, the fatality would count as an alcohol-related fatality even with a positive drug test – there were 86 total combined substance-related fatalities in 2019). See [Table A12](#) in the Appendix for the full data related to this topic.

Drug-Positive Driver Fatalities - Drug Types



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

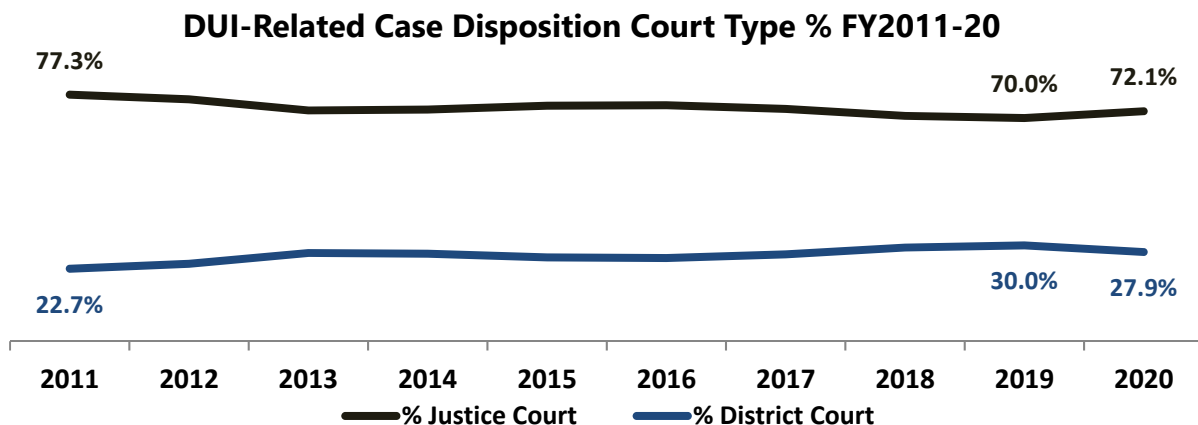
DUI-related offenses are classified as either misdemeanors or felonies, depending on the type of offense and whether it is a repeat offense.

- 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 9,113 total DUI-related cases in FY 2020, down 18% from FY 2019. Of these cases, 6,568 (72%) were handled by Utah's Justice Courts (down 15% from FY 2019), while 2,545 (28%) were handled by the state's District Courts (down 23% from FY 2019; see [Table A13](#)). The percentage of cases disposed of by Justice Courts increased in FY 2020 after a downward trend.



Source: Utah Administrative Office of the Courts

Of the 6,568 DUI-related cases disposed by Utah’s Justice Courts during FY 2020, 76% resulted in a guilty plea or equivalent verdict. A similar rate was found in the District Courts, as 79% of the 2,545 cases disposed resulted in a guilty plea or equivalent 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 2020, Justice Court judges ordered offenders to complete supervised (non-court) probation in 1,649 cases (25% of the total disposed cases), ordered electronic monitoring in 390 cases (6%), and ordered ignition interlock devices in 762 cases (12%). Additionally, District Court judges ordered offenders to complete supervised (non-court) probation in 1,128 cases (44% of the total disposed cases), ordered electronic monitoring in 199 cases (8%), and ordered ignition interlock devices in 395 cases (16%).

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 2020, Justice Court judges ordered offenders to complete substance use disorder screening and assessment in 4,392 cases, which was 88% of the cases with a guilty plea or verdict. The number of orders was up slightly (+3%) from FY 2019. District Court judges were less likely to order screening and assessment, with orders in 1,173 cases (58% of cases with a guilty plea or verdict). The total number of District Court orders were down slightly from FY 2019, but the percentage of guilty cases increased from 49%. Overall, 80% 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

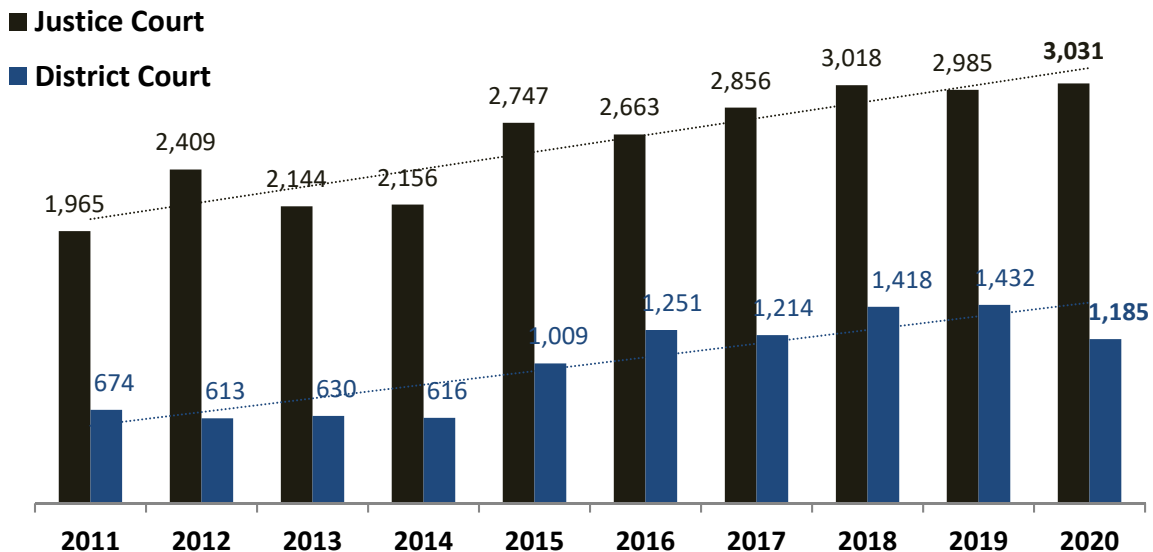
¹ Center for Substance Abuse Treatment, *Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System*, Treatment Improvement Protocol (TIP) Series, #7.

diagnostic criteria for a substance use disorder should participate in a treatment program in 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 2020, Justice Court judges ordered offenders to complete substance use disorder treatment in 3,031 cases, which was 61% of the cases with a guilty plea or verdict. The number of orders was up slightly from FY 2019, but the percentage showed a more significant increase (from 49% in FY 2019). District Court judges were somewhat less likely to order treatment, with orders in 1,185 cases (59% of cases with a guilty plea or verdict). The number of orders was down from FY 2019 (from 1,432) though the percentage increased (from 53%). Overall, 60% 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 generally increasing over the past ten years, even while DUI arrests have decreased over the same period. Justice Court judge orders for treatment have increased 41% since FY 2014 and 54% over the 10-year period, and District Court judge orders have increased 92% since a previous low in FY 2014.

Treatment Orders in DUI-Related Cases by Court FY2011-20



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

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

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 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, educational series orders were much more common in the Justice Courts. In FY 2020, Justice Court judges ordered offenders to complete the educational series in 2,982 cases, which was 60% of the cases with a guilty plea or verdict. District Court judges only ordered the educational series in 379 cases (19% of cases with a guilty plea or verdict). Overall, 48% of DUI-related cases with a guilty plea or verdict were ordered the educational series.

The DUI Sentencing Matrix on pages 37-39 of this report provides detailed information regarding DUI-related offense classifications and sanctions.

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

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.

5

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

A driver arrested for a DUI-related offense may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within 30 days. As shown in the table below, there were 5,663 requested alcohol hearings held in FY 2020. 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 4,454 (79%) of the cases, at least one of the parties called in for the hearing. In 2,159 (38%) 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.

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	4,719	3,695	1,271	583	1,854
Not a Drop (< 21)	150	118	46	17	63
Refusal of Chemical Test	794	641	176	66	242
TOTAL	5,663	4,454	1,493	666	2,159
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.

Note: If you linked to a table from the report, you may return to that page by clicking the link next to the table title (e.g., “Return to p.10”).

Table A1. DUI-related Arrests by County and Region in FY 2020, Compared to Population ([Return to p.9](#))

County	DUI-Related Arrests FY 2020		July 1, 2019 Utah Population Estimates	
	Number	Percent	Number	Percent
Beaver	56	0.5%	6,710	0.2%
Box Elder	161	1.5%	56,046	1.7%
Cache	333	3.2%	128,289	4.0%
Carbon	89	0.9%	20,463	0.6%
Daggett	3	<0.1%	950	<0.1%
Duchesne	69	0.7%	19,938	0.6%
Emery	47	0.5%	10,012	0.3%
Garfield	19	0.2%	5,051	0.2%
Grand	86	0.8%	9,754	0.3%
Iron	205	2.0%	54,839	1.7%
Juab	126	1.2%	12,017	0.4%
Kane	28	0.3%	7,886	0.2%
Millard	93	0.9%	13,188	0.4%
Morgan	25	0.2%	12,124	0.4%
Piute	5	0.1%	1,479	<0.1%
Rich	7	0.1%	2,483	0.1%
San Juan	114	1.1%	15,308	0.5%
Sanpete	75	0.7%	30,939	1.0%
Sevier	80	0.8%	21,620	0.7%
Summit	220	2.1%	42,145	1.3%
Tooele	324	3.1%	72,259	2.3%
Uintah	196	1.9%	35,734	1.1%
Wasatch	216	2.1%	34,091	1.1%
Washington	565	5.4%	177,556	5.5%
Wayne	11	0.1%	2,711	0.1%
Non-Wasatch/Rural	3,153	29.9%	793,592	24.8%
Davis	936	8.9%	355,481	11.1%
Utah	1,705	16.2%	636,235	19.8%
Weber	748	7.1%	260,213	8.1%
Other Wasatch Front	3,389	32.2%	1,251,929	39.1%
Salt Lake	3,990	37.9%	1,160,437	36.2%
TOTAL	10,532		3,205,958	

Table A2. DUI-related Arrest Rates* by County and Region, FY 2011-20 (Return to p.10)

County/Region	Fiscal Year									
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Beaver	98.1	90.7	74.4	75.9	100.6	74.0	108.3	115.9	100.3	83.5
Box Elder	33.0	25.2	28.6	25.6	27.2	35.7	28.2	30.9	28.0	28.7
Cache	41.4	35.8	33.8	27.3	22.1	26.2	21.6	24.3	18.6	26.0
Carbon	84.1	54.0	63.0	31.0	29.0	31.3	36.3	47.8	43.4	43.5
Daggett	160.5	116.6	108.4	35.5	62.7	0.0	9.1	38.9	61.2	31.6
Duchesne	75.2	81.1	99.6	72.9	55.9	44.6	43.8	50.4	37.6	34.6
Emery	100.2	53.7	59.0	63.3	51.7	33.8	41.1	46.6	56.9	46.9
Garfield	44.5	56.3	35.1	33.4	35.8	2.0	38.1	45.3	27.6	37.6
Grand	97.6	130.9	158.2	99.4	105.0	107.2	74.1	74.4	100.4	88.2
Iron	55.2	50.9	50.3	56.6	58.2	43.8	39.9	58.2	33.9	37.4
Juab	111.3	99.8	108.4	71.5	58.2	98.2	96.3	103.1	109.0	104.9
Kane	129.1	86.0	54.9	79.9	68.9	61.7	49.1	44.9	32.4	35.5
Millard	67.2	73.1	63.4	50.5	55.5	69.6	90.6	99.5	73.8	70.5
Morgan	45.4	35.2	25.2	17.7	33.0	30.7	24.5	26.1	23.2	20.6
Piute	32.1	25.9	26.0	19.9	20.2	19.8	6.8	21.1	27.7	33.8
Rich	17.7	57.1	66.5	65.6	43.6	30.3	21.6	20.9	48.7	28.2
San Juan	58.3	37.4	52.5	45.4	43.9	39.3	31.4	50.1	64.7	74.5
Sanpete	22.6	27.7	21.4	22.3	25.6	20.2	26.9	31.0	27.1	24.2
Sevier	86.0	78.0	53.6	77.2	50.5	31.9	28.2	51.1	38.5	37.0
Summit	81.8	93.0	67.6	62.1	65.5	56.3	51.9	39.9	57.2	52.2
Tooele	72.1	83.4	73.4	58.3	63.6	60.8	63.1	53.8	54.9	44.8
Uintah	111.4	130.3	102.5	69.5	49.9	47.5	36.6	39.5	54.5	54.8
Wasatch	48.4	49.5	61.1	58.6	71.1	95.7	94.7	63.9	40.3	63.4
Washington	38.0	56.5	28.0	27.9	32.2	31.1	30.7	33.4	32.0	31.8
Wayne	43.2	29.2	3.7	3.6	11.0	3.7	3.7	7.4	14.9	40.6
Non-Wasatch/Rural	57.5	53.7	50.5	43.6	42.9	41.9	40.1	42.2	39.0	39.7
Davis	44.8	39.5	33.5	25.4	24.8	26.3	26.6	24.8	25.0	26.3
Utah	30.9	29.1	26.8	27.7	28.5	28.5	26.1	25.8	26.2	26.8
Weber	45.9	44.8	46.2	42.5	51.4	44.4	42.4	38.8	32.3	28.7
Other Wasatch Front	38.3	35.5	32.9	30.2	32.3	31.2	29.6	28.2	27.2	27.1
Salt Lake	57.0	52.6	48.1	41.2	37.2	36.8	38.0	33.2	31.4	34.4
Statewide TOTAL	50.0	46.3	42.9	37.6	36.7	35.9	35.3	33.5	31.6	32.9
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 ([Return to p.10](#))

DUI-Related Arrests by Gender	FY 2018		FY 2019		FY 2020	
	Number	Percent	Number	Percent	Number	Percent
Male	7,465	71.9%	7,112	71.2%	7,598	72.1%
Female	2,666	25.7%	2,657	26.6%	2,678	25.4%
Unspecified	252	2.4%	226	2.2%	256	2.4%
TOTAL	10,383	100.0%	9,995	100.0%	10,532	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A4. DUI-Related Arrests by Age ([Return to p.10](#))

DUI-Related Arrests by Age	FY 2018		FY 2019		FY 2020	
	Number	Percent	Number	Percent	Number	Percent
Ages 13-20	1,255	12.1%	1,101	11.0%	1,306	12.4%
Ages 21-24	1,533	14.8%	1,347	13.4%	1,474	14.0%
Ages 25-36	3,922	37.8%	3,734	37.3%	3,902	37.1%
Ages 37-48	2,197	21.2%	2,242	22.4%	2,384	22.6%
Ages 49-84	1,476	14.2%	1,571	15.7%	1,466	13.9%
TOTAL	10,383	100.0%	9,995	100.0%	10,532	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A5. DUI-Related Arrests by Agency Type ([Return to p.10](#))

DUI-Related Arrests by Agency Type	FY 2018		FY 2019		FY 2020	
	Number	Percent	Number	Percent	Number	Percent
Sheriffs' Offices	1,193	11.5%	1,234	12.3%	1,175	11.2%
City Police/Other	6,140	59.1%	5,692	56.9%	6,016	57.1%
Highway Patrol	3,050	29.4%	3,069	30.7%	3,341	31.7%
TOTAL	10,383	100.0%	9,995	100.0%	10,532	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A6. DUI-Related Arrests by Blood/Breath Alcohol Concentration (BAC) ([Return to p.10](#))

DUI-Related Arrests by BAC	FY 2018		FY 2019		FY 2020	
	Number	Percent	Number	Percent	Number	Percent
BAC Result Not Reported*	3,971	38.2%	4,106	41.0%	4,302	40.9%
.00 - .04	138	1.3%	202	2.0%	275	2.6%
.05 - .07	233	2.2%	370	4.0%	488	4.6%
.08 - .10	799	7.7%	661	6.6%	726	6.9%
.11 - .15	1,616	15.6%	1,401	14.0%	1,386	13.2%
.16 - .20	1,447	13.9%	1,227	12.0%	1,173	11.1%
.21 - .25	831	8.0%	725	7.0%	591	5.6%
.26 - .47	626	6.0%	500	5.0%	397	3.8%
Refused BAC Test	722	6.9%	803	8.0%	1,194	11.3%
TOTAL	10,383	100.0%	9,995	100.0%	10,532	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 ([Return to p.10](#))

Note: The following table shows repeat offender data by type of DUI-related arrest. Data were calculated by identifying arrests that occurred in FY 2020 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 2020 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	6,114	948	351	191	7	1	7,612	72.3%
2 nd	1,587	318	17	25	1	0	1,948	18.5%
3 rd	521	131	18	8	0	0	678	6.4%
4 th	171	38	3	0	0	0	212	2.0%
5 th	51	10	0	1	0	0	62	0.6%
6 th -10 th	16	3	1	0	0	0	20	0.2%
TOTAL	8,460	1,448	390	225	8	1	10,532	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A8. DUI-related Arrests by Month ([Return to p.11](#))

DUI-Related Arrests by Month	FY 2018		FY 2019		FY 2020	
	Number	Percent	Number	Percent	Number	Percent
July	1,002	9.6%	805	8.1%	894	8.5%
August	866	8.3%	830	8.3%	898	8.5%
September	839	8.1%	871	8.7%	856	8.1%
October	843	8.1%	830	8.3%	840	8.0%
November	888	8.6%	810	8.1%	1,010	9.6%
December	866	8.3%	810	8.1%	931	8.8%
January	864	8.3%	845	8.4%	1,020	9.7%
February	803	7.7%	723	7.2%	1,011	9.6%
March	927	8.9%	866	8.7%	851	8.1%
April	810	7.8%	871	8.7%	606	5.8%
May	851	8.2%	867	8.7%	914	8.7%
June	824	7.9%	867	8.7%	701	6.7%
TOTAL	10,383	100.0%	9,995	100.0%	10,532	100.0%

Source: Utah Department of Public Safety, Driver License Division

Table A9. Arrests by Violation Type ([Return to p.14](#))

DUI-Related Arrests by Violation Type	FY 2018		FY 2019		FY 2020		Percent Change FY 19-20
	Number	Percent	Number	Percent	Number	Percent	
Per se Alcohol/Drug	8,228	79.2%	7,890	78.9%	8,460	80.3%	+7.2%
Refusal of Chemical Test	1,429	13.8%	1,406	14.1%	1,448	13.8%	+3.0%
Drug Metabolite	398	3.8%	379	3.8%	225	2.1%	-40.6%
Not a Drop (< 21)	314	3.0%	294	2.9%	390	3.7%	+32.7%
Commercial Driver (.04)	12	0.1%	5	0.1%	8	0.1%	+60.0%
Unknown (no box marked)	2	<0.1%	21	0.2%	1	<0.1%	-95.2%
TOTAL	10,383	100.0%	9,995	100.0%	10,532	100.0%	

Source: Utah Department of Public Safety, Driver License Division

Table A10. DUI/Alcohol-related Crashes, Injuries, and Fatalities by Calendar Year ([Return to p.17](#))

DUI/Alcohol-Related Crashes, Injuries and Fatalities in Utah, CY 2010-2019									
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
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%
2018	64,340	1,968	3.1%	18,141	1,223	6.7%	260	48	18.5%
2019	64,595	1,921	3.0%	26,794	1,167	4.4%	248	19	7.7%
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 ([Return to p.17](#))

DUI/Drug-Related Crashes, Injuries and Fatalities in Utah, CY 2010-2019									
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
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%
2018	64,340	1,057	1.6%	18,141	774	4.3%	260	97	37.3%
2019	64,595	1,039	1.6%	26,794	773	2.9%	248	67	27.0%
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 (Return to p.20)

Drug Category	Calendar Year 2009-18									
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Depressants	5	7	9	12	6	20	33	22	27	37
Marijuana/THC	7	15	11	10	21	38	26	27	29	36
Stimulants	5	14	20	26	7	23	22	41	28	23
Opioids/Narcotics	3	7	7	12	12	14	28	32	16	18
Hallucinogens	0	0	1	0	0	2	0	0	1	1
Dissociative Anesthetics	1	0	0	0	0	0	2	4	0	0
Other Drug	1	2	4	23	7	17	9	2	1	2
Unknown Type	3	4	5	2	1	0	2	13	11	3

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 (Return to p.21)

Court	FY 2018	FY 2019	FY 2020	% Change FY 19-20
Justice Courts	8,277	7,725	6,568	-15.0%
District Courts	3,443	3,316	2,545	-23.3%
Total Cases Disposed	11,720	11,041	9,113	-17.5%

Source: Utah Administrative Office of the Courts

Table A14. DUI-related Case Disposition Outcomes by Court Type in FY 2020 (Return to p.22)

Court	Case Disposition Outcome		
	Guilty Equivalent*	Not Guilty Equivalent*	Other
Justice Courts	4,982	1,514	72
Percent	75.9%	23.1%	1.1%
District Courts	2,017	409	119
Percent	79.3%	16.1%	4.7%
Total Cases Disposed	6,999	1,923	191
Percent	76.8%	21.1%	2.1%

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 2020; 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 2020 (Return to p.22)

County	FY 2020 Justice Court DUI-Related Outcomes by County									
	Deceased	Declined Prosecution	Dismissed	Diversion	Guilty	No Contest	Not Guilty	Plea in abeyance	Transferred	Totals
Beaver		3	4		21					28
Box Elder			29		95	2				127
Cache	2	2	26		119	4		1		154
Carbon	1	2	13		47	1		1		65
Daggett					3					4
Davis	2		73		360	13		3		454
Duchesne		1	13		11	1		5		31
Emery	1		6		28			1		37
Garfield			4		12					16
Grand		1	7		45	1				55
Iron			39		92	10		2		143
Juab		2	24		55	2		7		91
Kane			6		10	1				17
Millard					49			3		52
Morgan			4		18	2				24
Piute			2		1					3
Rich					7					8
Salt Lake	10	4	677		1,763	55	17	22		2,566
San Juan			11		42	2		2		57
Sanpete			3		24	7				34
Sevier			48	2	79	7		9		147
Summit		2	14		142	9	3	4		174
Tooele		1	60		166	4	1	7		239
Uintah			27		68	4	1	4		104
Utah	4	1	166		617	126	1	10	2	942
Wasatch		2	31	1	69	12		6		121
Washington	1	7	42		208	27				286
Wayne					8					8
Weber	2	2	39		492	38		3		581
Totals	23	30	1,371	3	4,651	328	23	90	2	6,568
Percent	0.4%	0.5%	20.9%	-	70.8%	5.0%	0.4%	1.4%	-	

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 2020; pending cases were not included.

Table A16. DUI-related Case Disposition Outcomes for District Courts by District in FY 2020
(Return to p.22)

Judicial District	FY 2020 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			33		136			5	3		178
2 nd	4		54		387	10	1	5	7	2	470
3 rd	3		91	1	525	5	3	6	19	22	674
4 th	3		103		446	56		9	6	39	665
5 th			27		175	3		11	2		219
6 th			15		110	4		4			133
7 th			15		75	3		2			95
8 th			25		79	2		1	3	1	111
Totals	10	-	363	-	1,933	83	4	43	40	64	2,545
Percent	0.4%	-	14.3%	-	76.0%	3.3%	0.2%	1.7%	1.6%	2.5%	

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 2020; pending cases were not included.

Table A17. Sanctions in DUI-related Cases by Court Type and Fiscal Year (Return to p.22)

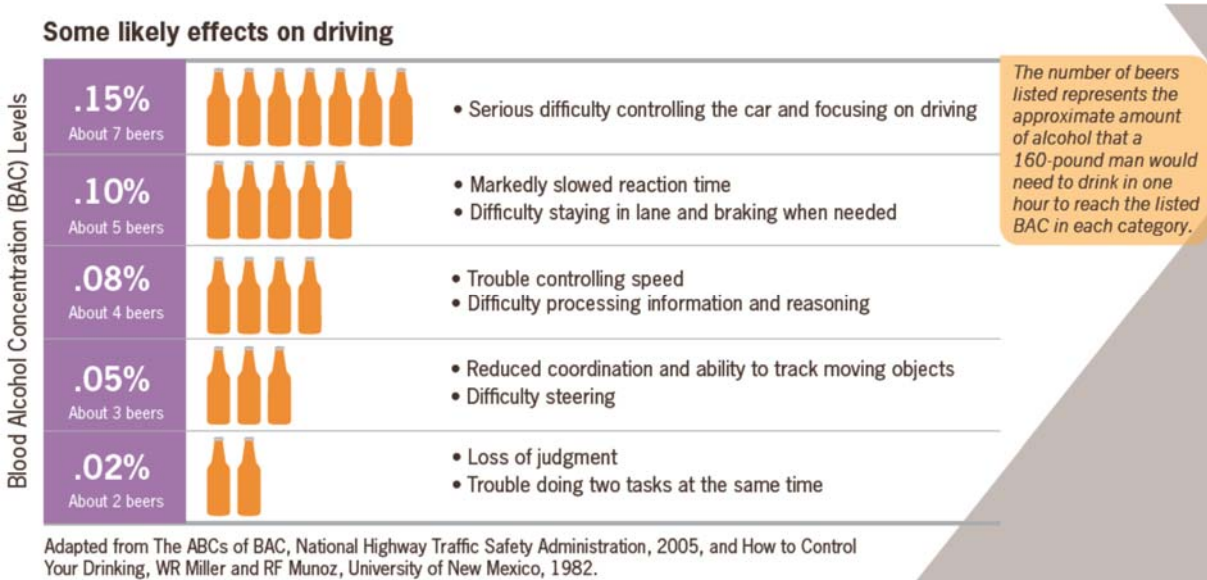
DUI-Related Case Information and Sanctions	FY 2018	FY 2019	FY 2020
Number of Justice Courts Providing Data	118	121	114
Blood/Breath Alcohol Content (BAC) Known	5,384	4,363	5,198
Justice Courts	4,462	3,476	4,076
District Courts	922	887	1,122
Ignition Interlock Ordered	1,463	1,302	1,157
Justice Courts	1,053	838	762
District Courts	410	464	395
Supervised (Non-Court) Probation	4,005	3,960	2,777
Justice Courts	2,429	2,172	1,649
District Courts	1,576	1,788	1,128
Electronic Monitoring	629	747	589
Justice Courts	397	458	390
District Courts	232	289	199

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 ([Return to p.22](#))

DUI-Related Case Court Orders	FY 2018	FY 2019	FY 2020
Substance Use Disorder Screening & Assessment Ordered	5,731	5,572	5,565
Justice Courts	4,558	4,271	4,392
District Courts	1,173	1,301	1,173
Substance Used Disorder Treatment Ordered	4,436	4,417	4,216
Justice Courts	3,018	2,985	3,031
District Courts	1,418	1,432	1,185
Educational Series Ordered	3,461	3,223	3,361
Justice Courts	2,985	2,803	2,982
District Courts	476	420	379

Source: Utah Administrative Office of the Courts

Figure A1. Blood Alcohol Concentration and Likely Effects on Driving⁵ ([Return to p.11](#))

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

UTAH DUI SENTENCING MATRIX¹

(Current as of December 1, 2020)

Court-Ordered Sentencing	MISDEMEANOR DUI		FELONY DUI
	FIRST CONVICTION	SECOND CONVICTION WITHIN 10 YEARS	
CLASSIFICATION (§41-6a-503)	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> • if bodily injury² • 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 injury² • 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 injury² • 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 ³ 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 \$60 court security fee	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$60 court security fee	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$53 court security fee, <u>unless</u> 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, <u>unless</u> treatment is ordered MAY order: <ul style="list-style-type: none"> • Treatment • 24-7 sobriety program 	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment (if found appropriate by screening) • Educational series, <u>unless</u> treatment is ordered MAY order: <ul style="list-style-type: none"> • Treatment • 24-7 sobriety program 	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment • Treatment as appropriate, • Supervised probation, <u>unless</u> a 0-5 prison term is not imposed MAY order: <ul style="list-style-type: none"> • 24-7 sobriety program
Supervised Probation⁴ (§41-6a-507)	MAY order supervised probation	SHALL order supervised probation	SHALL order supervised probation if 0-5 prison term is not imposed
Ignition Interlock⁵ (§41-6a-518) (§41-6a-530)	MAY order: <ul style="list-style-type: none"> • Ignition interlock SHALL order: <ul style="list-style-type: none"> • Interlock if under 21 • Interlock for an ARD⁶ violation OR describe on the record why such order not appropriate 	SHALL order: <ul style="list-style-type: none"> • Ignition interlock SHALL order: <ul style="list-style-type: none"> • Interlock if under 21 • Interlock for an ARD⁶ violation OR describe on the record why such order not appropriate 	SHALL order: <ul style="list-style-type: none"> • Ignition interlock SHALL order: <ul style="list-style-type: none"> • Interlock if under 21 • Interlock for an ARD⁶ violation OR describe on the record why such order not appropriate
High BAC (.16 or higher) (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> • Supervised probation SHALL order unless described on the record why the order(s) not appropriate: <ul style="list-style-type: none"> • Treatment and One or more of the following: <ul style="list-style-type: none"> • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement 	SHALL order: <ul style="list-style-type: none"> • Supervised probation SHALL order unless described on the record why the order(s) not appropriate: <ul style="list-style-type: none"> • Treatment and One or more of the following: <ul style="list-style-type: none"> • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement 	SHALL order: <ul style="list-style-type: none"> • Supervised probation if 0-5 prison term is not imposed SHALL order unless described on the record why the order(s) not appropriate: <ul style="list-style-type: none"> • Treatment and One or more of the following: <ul style="list-style-type: none"> • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement

Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or two years	Court MAY order additional 90 days, 120 days, 180 days, one year or two years	Court MAY order additional 90 days, 120 days, 180 days, one year or two years
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¹ The DUI matrix is intended to give an overview of penalties Driving Under the Influence Offenses, Utah Code Title 41, Chapter 6a, Part 5. It is a reference guide for ease of use and greater transparency to assist in sentencing individuals convicted or sanctioned pursuant to Utah Code Title 41, Chapter 6a, Part 5. The DUI matrix is not a substitute for reference to the Utah State Code. It does not constitute legal advice and is not legally binding. It does not create any right or expectation on behalf of an offender or any party within the criminal justice system.

² 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.

³ See §41-6a-506 for electronic home confinement provisions.

⁴ Supervised probation is also required for all violations of §41-6a-517(14)(a) (driving with any measurable controlled substance or metabolite in the body).

⁵ 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.

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

⁶ 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.¹

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)	If 21 or older: 120 days If 19-20: Longer of one year or until 21st birthday If under 19: Until 21st birthday	If 21 or older: 2 years If 19-20: Longer of 2 years or until 21st birthday If under 19: Until 21st birthday
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	If 21 or older: 120 days If 19-20: Longer of one year or until 21st birthday If under 19: Until 21st birthday	If 21 or older: 2 years If 19-20: Longer of two years or until 21st birthday If under 19: Until 21st birthday
Refusal of Chemical Test Conviction (§41-6a-520(7))	If 21 or older: 18 months If under 21: Longer of 2 years or until 21 st birthday	If 21 or older: 36 months If under 21: Longer of 36 months or until 21 st birthday
Refusal of Chemical Test (§41-6a-521)	If 21 or older: 18 months If under 21: Longer of 2 years or until 21st birthday	If 21 or older: 36 months If under 21: Longer of 36 months or until 21st birthday
Per se Arrest (§53-3-223) ≥ .05 BAC, impaired todegree unsafe to drive, operating with metabolite of drug in system	If 21 or older: 120 days If under 21: 6 months	If 21 or older: 2 years If under 21: Longer of 2 years of until 21st birthday
Not A Drop (§53-3-231) A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body	If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months	If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday
Failure to Install or Removal of Ignition Interlock Device (§53-3-1007)	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 listed above.	
Early Licesnse Reinstatement for Drivers Under 21		
Driving Under the Influence/DUI Conviction (§41-6a-509) First Conviction	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.	

Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517) First Conviction	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.
Other Sanctions	
IRD – Interlock Restricted Driver (§41-6a-518.2) An "interlock restricted driver" may not operate a motor vehicle without an ignition interlock. <small>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 Refusal to Submit to Chemical Test Conviction (§41-6a-520(7)) if over 21; or 1st DUI (§41-6a-502) if over 21 or refused blood draw (§41-6a-520(7)) • 3 years IRD for 1st Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-520); Refusal to Submit to Chemical Test Conviction (§41-6a-520(7)) if over 21; or 1st DUI (§41-6a-502) if under 21 or refused blood draw if under 21 (§41-6a-520(7)) • 3 years IRD for a combination of two of the following within 10 years: DUI (§41-6a-502), Refusal to Submit to Chemical Test Conviction (§41-6a-520(7)); 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) or 2nd+ offense for refused blood draw (§41-6a-520(7)) • 10 years IRD for Automobile Homicide (§76-5-207)
ARD – Alcohol Restricted Driver (§41-6a-529) 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. <small>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/Drug-Related Reckless (§41-6a-512), 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 Chemical Test Conviction (§41-6a-520(7)), Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502) • 10 years ARD for 2nd offense within 10 years, DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), or Impaired Driving (§41-6a-502.5) • 10 years ARD for 2nd offense of Refusal to Submit to Chemical Test (§41-6a-520(7)) if prior suspension for prior refusal within 10 years (41-6a-520(7)) • 10 years ARD for felony violation of refusal to submit to chemical test 41-6a-520(7)) • Lifetime ARD for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207)
<small>¹ The following provisions are intended to give an overview of penalties Driving Under the Influence Offenses, Utah Code Title 41, Chapter 6a, Part 5. It is a reference guide for ease of use and greater transparency to assist in understanding of sanctions pursuant to Utah Code Title 41, Chapter 6a, Part 5. The DUI matrix is not a substitute for reference to the Utah State Code. It does not constitute legal advice and is not legally binding. It does not create any right or expectation on behalf of an offender or any party within the criminal justice system.</small>	



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