



State:

Utah

Statute/Law:

§41-6a-502: *Driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration.*

Per Se Law?:

Yes

Statute/Law Language:

(1) A person may not operate or be in actual physical control of a vehicle within this state if the person:

(a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;

(b) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or

(c) Has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.

Penalties Following Conviction:

(1) As part of any sentence for a first conviction of Section 41-6a-502:

(a) The court shall:

(i) (A) impose a jail sentence of not less than 48 consecutive hours;

(B) Require the person to work in a compensatory-service work program for not less than 48 hours; or

(C) Require the person to participate in home confinement through the use of electronic monitoring in accordance with Section 41-6a-506;

(ii) Order the person to participate in a screening;

(iii) Order the person to participate in an assessment, if it is found appropriate;



(iv) Order the person to participate in an educational series if the court does not order substance abuse treatment;

(v) impose a fine of not less than \$700;

(2) For 2nd or subsequent offense within 10 years not less than 240 hours mandatory imprisonment, not less than \$800 mandatory fine.

Discretionary Court-Ordered Penalties:

In per se convictions under §41-6a-517 the court shall order supervised supervision. The court may also order screening and assessment, a treatment program if appropriate, community service, restitution either to a victim directly or to a Victims' Compensation Fund, electronic home monitoring as an alternative to imprisonment or community service, and participation in a drug education program. The defendant shall pay all fines and fees, including fees for restitution, screening, assessment and treatment costs.

For more information:

<https://le.utah.gov/xcode/Title41/Chapter6A/41-6a-S502.html>

AND <https://le.utah.gov/xcode/Title41/Chapter6A/41-6a-S502.5.html>

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