

UTAH JUVENILE COURT COMMON ALCOHOL AND DRUG SENTENCING MATRIX | 2015

MISDEMEANOR ALCOHOL		
OFFENSE ¹	FIRST OFFENSE	SUBSEQUENT OFFENSE
Impaired Driving MB § 41-6a-502.5²	SHALL: <ul style="list-style-type: none"> • Order the person to participate in a screening; • Order the person to participate in an assessment (if recommended by screening); AND • Order the person to participate in an education series (unless treatment is ordered) MAY: <ul style="list-style-type: none"> • Order substance abuse treatment 	SHALL: <ul style="list-style-type: none"> • Order the person to participate in a screening; • Order an assessment (if recommended by screening); AND • Order the person to participate in an education series (unless treatment is ordered) MAY: <ul style="list-style-type: none"> • Order substance abuse treatment SHALL (if it is a third or subsequent offense): <ul style="list-style-type: none"> • Order the person to participate in a screening; • Order the person to obtain an assessment; AND • Treatment (as appropriate)
ARD - Alcohol Restricted Driver § 41-6a-530	SHALL: <ul style="list-style-type: none"> • Order the installation of an ignition interlock as a condition of probation (unless the court makes findings as to why such an order is inappropriate) <ul style="list-style-type: none"> ○ The ignition interlock system is to be installed on each motor vehicle owned or operated by the probationer ○ The court shall state on the record the period of time for which the ignition interlock is to be installed 	SHALL: <ul style="list-style-type: none"> • Order the installation of an ignition interlock as a condition of probation (unless the court makes findings as to why such an order is inappropriate) <ul style="list-style-type: none"> ○ The ignition interlock system is to be installed on each motor vehicle owned or operated by the probationer ○ The court shall state on the record the period of time for which the ignition interlock is to be installed

¹ Non-Judicial Closures:

- The Probation Department may enter into a voluntary agreement with the minor/minor’s parent or guardian for a non-judicial closure of offenses referred to juvenile court, subject to the criteria and limitations provided in Utah R. Jud. Admin. 7-301 and Juvenile Probation Policy 2.4.
- Generally, non-judicial closures are not considered prior offenses for sentencing purposes. See Juvenile Sentencing Guidelines.
- For any offense for which a non-judicial closure is entered, the non-judicial closure **MAY** be conditioned upon the following: payment of a financial penalty of not more than \$250 to the juvenile court; payment of victim restitution; satisfactory completion of compensatory service; referral to an appropriate provider for counseling or treatment; attendance at substance abuse programs or counseling programs; compliance with specified restrictions on activities and associations; and other reasonable actions that are in the interest of the minor and the community.

² If a conviction entered under this section was originally a third degree felony (prior to the reduction of the charge), the court **SHALL** (if the court suspends a prison sentence and places the person on probation): Order the person to participate in a screening; order the person to obtain an assessment; **AND** order intensive care or inpatient treatment with at least 240 hours of aftercare.

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MISDEMEANOR ALCOHOL		
OFFENSE ¹	FIRST OFFENSE	SUBSEQUENT OFFENSE
Intoxication MB § 76-9-701(1)	<p>SHALL:</p> <ul style="list-style-type: none"> • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old. <p>MAY:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to complete an educational series or substance abuse treatment; • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment; AND/OR • Reduce suspension period if person completes an educational series or demonstrates substantial progress in substance abuse treatment. 	<p>SHALL:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to complete an educational series or substance abuse treatment; • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old; AND • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> • Reduce suspension period if: <ul style="list-style-type: none"> ○ The violation is the person’s second or subsequent violation; ○ The person completes an educational series or demonstrates substantial progress in substance abuse treatment; AND ○ The person or person’s parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol or drugs for at least a one-year period during the currently imposed suspension period.
Minor Purchasing Alcohol MB § 32B-4-409(1)(a)	<p>SHALL:</p> <ul style="list-style-type: none"> • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old. <p>MAY:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to complete an educational series or substance abuse treatment; • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment; AND/OR • Reduce suspension period if person completes an educational series or demonstrates substantial progress in substance abuse treatment. 	<p>SHALL:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to complete an educational series or substance abuse treatment; • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old; AND • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> • Reduce suspension period if: <ul style="list-style-type: none"> ○ The violation is the person’s second or subsequent violation; ○ The person completes an educational series or demonstrates substantial progress in substance abuse treatment; AND ○ The person or person’s parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol or drugs for at least a one-year period during the currently imposed suspension period.

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MISDEMEANOR ALCOHOL		
OFFENSE ¹	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>Minor Attempting to Purchase or Soliciting Another to Purchase Alcohol MB § 32B-4-409(1)(b)-(c)</p>	<p>SHALL:</p> <ul style="list-style-type: none"> • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old. <p>MAY:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to complete an educational series or substance abuse treatment; • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment; AND/OR • Reduce suspension period if person completes an educational series or demonstrates substantial progress in substance abuse treatment. 	<p>SHALL:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to complete an educational series or substance abuse treatment; • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old; AND • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> • Reduce suspension period if: <ul style="list-style-type: none"> ○ The violation is the person’s second or subsequent violation; ○ The person completes an educational series or demonstrates substantial progress in substance abuse treatment; AND ○ The person or person’s parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol or drugs for at least a one-year period during the currently imposed suspension period.
<p>Minor Possessing or Consuming Alcohol MB § 32B-4-409(1)(d)-(f)</p>	<p>SHALL:</p> <ul style="list-style-type: none"> • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old. <p>MAY:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to complete an educational series or substance abuse treatment; • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment; AND/OR • Reduce suspension period if person completes an educational series or demonstrates substantial progress in substance abuse treatment. 	<p>SHALL:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to complete an educational series or substance abuse treatment; • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old; AND • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> • Reduce suspension period if: <ul style="list-style-type: none"> ○ The violation is the person’s second or subsequent violation; ○ The person completes an educational series or demonstrates substantial progress in substance abuse treatment; AND ○ The person or person’s parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol or drugs for at least a one-year period during the currently imposed suspension period.

MISDEMEANOR ALCOHOL		
OFFENSE ¹	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>Minor Misrepresenting Age to Purchase Alcohol MB §32B-4-409(2)</p>	<p>SHALL:</p> <ul style="list-style-type: none"> Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old. <p>MAY:</p> <ul style="list-style-type: none"> Order the minor to complete a screening; Order the minor to complete an assessment, if appropriate; Order the minor to complete an educational series or substance abuse treatment; Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment; AND/OR Reduce suspension period if person completes an educational series or demonstrates substantial progress in substance abuse treatment. 	<p>SHALL:</p> <ul style="list-style-type: none"> Order the minor to complete a screening; Order the minor to complete an assessment, if appropriate; Order the minor to complete an educational series or substance abuse treatment; Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old; AND Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> Reduce suspension period if: <ul style="list-style-type: none"> The violation is the person’s second or subsequent violation; The person completes an educational series or demonstrates substantial progress in substance abuse treatment; AND The person or person’s parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol or drugs for at least a one-year period during the currently imposed suspension period.
<p>Unlawful Admittance or Attempt to Gain to Bar or Club by a Minor MC § 32B-4-410</p>	<p>SHALL:</p> <ul style="list-style-type: none"> Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old. <p>MAY:</p> <ul style="list-style-type: none"> Order the minor to complete a screening; Order the minor to complete an assessment, if appropriate; Order the minor to complete an educational series or substance abuse treatment; AND/OR Reduce suspension period if person completes an educational series or demonstrates substantial progress in substance abuse treatment. 	<p>SHALL:</p> <ul style="list-style-type: none"> Order the minor to complete a screening; Order the minor to complete an assessment, if appropriate; Order the minor to complete an educational series or substance abuse treatment; AND Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old <p>MAY:</p> <ul style="list-style-type: none"> Reduce suspension period if: <ul style="list-style-type: none"> The violation is the person’s second or subsequent violation; The person completes an educational series or demonstrates substantial progress in substance abuse treatment; AND The person or person’s parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol or drugs for at least a one-year period during the currently imposed suspension period.

MISDEMEANOR ALCOHOL		
OFFENSE ¹	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>Minor's Unlawful Use of Proof of Age MB § 32B-4-411</p>	<p>SHALL:</p> <ul style="list-style-type: none"> Suspend driver's license if the person is at least 13 yrs. old, but younger than 21 yrs. old. <p>MAY:</p> <ul style="list-style-type: none"> Reduce suspension period if person completes an educational series or demonstrates substantial progress in substance abuse treatment. 	<p>FOR A SECOND VIOLATION:</p> <ul style="list-style-type: none"> See provisions for first violation. <p>FOR A THIRD OR SUBSEQUENT VIOLATION:</p> <p>MAY:</p> <ul style="list-style-type: none"> Order a fine of up to \$5,000; Order screening, assessment, or substance abuse treatment; Order an educational series; Order alcoholic product related community service or compensatory service work program hours; Order fees for restitution and treatment costs; AND/OR Order defensive driver education courses Reduce suspension period if: <ul style="list-style-type: none"> The violation is the person's second or subsequent violation; The person completes an educational series or demonstrates substantial progress in substance abuse treatment; AND The person or person's parents provide a sworn statement to the court certifying that the person hasn't unlawfully consumed alcohol or drugs for at least a one-year period during the currently imposed suspension period.

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MISDEMEANOR DUI		FELONY DUI	
FIRST OFFENSE		SECOND OFFENSE	
CLASSIFICATION § 41-6a-502 to 503	MB MA if: 1) bodily injury; 2) passenger under 16; OR 3) passenger under 18 & driver over 21	MB MA if: 1) bodily injury; 2) passenger under 16; OR 3) passenger under 18 & driver over 21	F3 if: 1) 3rd or subsequent offense w/in 10 years; 2) serious bodily injury; OR 3) any prior felony DUI or auto homicide conviction
JAIL ³ § 41-6a-505	SHALL: <ul style="list-style-type: none"> • Impose jail sentence of at least 48 consecutive hours; • Require person to work at least 48 hours in compensatory-service work program; OR • Require person to participate in electronic home confinement for at least 48 consecutive hours 	SHALL: <ul style="list-style-type: none"> • Impose jail sentence of at least 240 consecutive hours; • Require person to work at least 240 hours in compensatory-service work program; OR • Require person to participate in electronic home confinement for at least 240 consecutive hours 	SHALL (if the court suspends a prison sentence and places the person on probation): <ul style="list-style-type: none"> • Impose a jail sentence of at least 1,500 hours MAY: <ul style="list-style-type: none"> • Order at least 1,500 hours of electronic home confinement in lieu of a jail sentence
FINE § 41-6a-505	SHALL: <ul style="list-style-type: none"> • Impose a fine of at least \$700 	SHALL: <ul style="list-style-type: none"> • Impose a fine of at least \$800 	SHALL: <ul style="list-style-type: none"> • Impose a fine of at least \$1500
SCREENING, ASSESSMENT, EDUCATIONAL SERIES, AND TREATMENT § 41-6a-505	SHALL: <ul style="list-style-type: none"> • Order the person to participate in a screening; • Order the person to participate in an assessment (if recommended by screening); AND • Order the person to participate in an education series approved by the Division of Substance Abuse and Mental Health (unless treatment is ordered) MAY: <ul style="list-style-type: none"> • Order treatment 	SHALL: <ul style="list-style-type: none"> • Order the person to participate in a screening; • Order the person to participate in an assessment (if recommended by screening); AND • Order the person to participate in an education series approved by the Division of Substance Abuse and Mental Health (unless treatment is ordered) MAY: <ul style="list-style-type: none"> • Order treatment 	SHALL (if the court suspends a prison sentence and places the person on probation): <ul style="list-style-type: none"> • Order the person to participate in a screening; • Order the person to obtain an assessment; AND • Treatment (as appropriate)
PROBATION § 41-6a-507	MAY: <ul style="list-style-type: none"> • Order supervised probation 	SHALL: <ul style="list-style-type: none"> • Order supervised probation 	SHALL (if the court suspends a prison sentence and places the person on probation): <ul style="list-style-type: none"> • Order supervised probation

³ Although “jail” is not necessarily applicable to juveniles, that term is used in this matrix because that is the term referred to in the sentencing statute. Whether the court should impose a jail sentence in the form of detention or secure care is left to judicial interpretation.

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MISDEMEANOR DUI		FELONY DUI	
FIRST OFFENSE	SECOND OFFENSE	FIRST OFFENSE	SECOND OFFENSE
<p>IGNITION INTERLOCK § 41-6a-505(5)(b); § 41-6a-518; § 41-6a-530</p> <p>If an ignition interlock is ordered:</p> <ul style="list-style-type: none"> • The court shall order that the ignition interlock system be installed on each motor vehicle owned or operated by the person • The court shall state on the record the period of time for which the ignition interlock is to be installed 	<p>SHALL:</p> <ul style="list-style-type: none"> • Order interlock if person was under 21 years old (as a condition of probation); • Order interlock if there is evidence that the person had a BAC of .16 or higher (unless the court makes findings as to why such an order is inappropriate); OR • Order interlock for an ARD violation (unless the court makes findings as to why such an order is inappropriate) <p>MAY:</p> <ul style="list-style-type: none"> • Order interlock 	<p>SHALL:</p> <ul style="list-style-type: none"> • Order the installation of an interlock ignition system if the prior conviction occurred with 10 years of the current conviction. 	<p>SHALL:</p> <ul style="list-style-type: none"> • Order the installation of an interlock ignition system if the prior conviction occurred with 10 years of the current conviction.
<p>HIGH BAC (.16 OR HIGHER) § 41-6a-505</p>	<p>SHALL (unless the court makes findings as to why such an order is inappropriate):</p> <ul style="list-style-type: none"> • Order treatment; AND • Order installation of ignition interlock; • Order imposition of an ankle attached continuous transdermal alcohol monitoring; AND/OR • Order electronic home confinement 	<p>SHALL (unless the court makes findings as to why such an order is inappropriate):</p> <ul style="list-style-type: none"> • Order treatment; AND • Order installation of ignition interlock; • Order imposition of an ankle attached continuous transdermal alcohol monitoring; AND/OR • Order electronic home confinement 	<p>SHALL (unless the court makes findings as to why such an order is inappropriate):</p> <ul style="list-style-type: none"> • Order treatment; AND • Order installation of ignition interlock; • Order imposition of an ankle attached continuous transdermal alcohol monitoring; AND/OR • Order electronic home confinement

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MISDEMEANOR DUI		FELONY DUI
	FIRST OFFENSE	SECOND OFFENSE
<p>DRIVER LICENSE SUSPENSION § 41-6a-509</p>	<p>MAY:</p> <ul style="list-style-type: none"> • Shorten the suspension period imposed by the Driver License Division if the person: <ul style="list-style-type: none"> ○ Completes at least six months of the suspension; ○ Completes screening and assessment (if recommended by screening); ○ Completes treatment (if recommended by assessment); ○ Completes educational series approved by the Division of Substance Abuse and Mental Health (if treatment is not ordered); ○ Has not been convicted of a violation of any motor-vehicle law during suspension period; ○ Has complied with terms of probation; AND ○ The person or person’s parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol for at least a one-year period during the currently imposed suspension period • Order additional 90 days, 120 days, 180 days, one year, or two year suspension or revocation of driver’s license. 	<p>MAY:</p> <ul style="list-style-type: none"> • Shorten the suspension period imposed by the Driver License Division if the person: <ul style="list-style-type: none"> ○ Completes at least six months of the suspension; ○ Completes screening and assessment (if recommended by screening); ○ Completes treatment (if recommended by assessment); ○ Completes educational series approved by the Division of Substance Abuse and Mental Health (if treatment is not ordered); ○ Has not been convicted of a violation of any motor-vehicle law during suspension period; ○ Has complied with terms of probation; AND ○ The person or person’s parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol for at least a one-year period during the currently imposed suspension period • Order additional 90 days, 120 days, 180 days, one year, or two year suspension or revocation of driver’s license.

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DRUG OFFENSES		
OFFENSE	FIRST OFFENSE	SECOND OFFENSE
<p>Utah Controlled Substances Act, § 58-37-8</p>	<p>SHALL:</p> <ul style="list-style-type: none"> • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to compete an educational series or substance abuse treatment; AND/OR • Reduce suspension period if person completes an educational series or demonstrates substantial progress in substance abuse treatment. 	<p>SHALL:</p> <ul style="list-style-type: none"> • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; AND • Order the minor to compete an educational series or substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> • Reduce suspension period if: <ul style="list-style-type: none"> ○ The violation is the person’s second or subsequent violation; ○ The person completes an educational series or demonstrates substantial progress in substance abuse treatment; AND ○ The person or parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol or drugs for at least a one-year period during the currently imposed suspension period.
<p>Utah Drug Paraphernalia Act, Title 58, Chapter 37a</p>	<p>SHALL:</p> <ul style="list-style-type: none"> • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to compete an educational series or substance abuse treatment; AND/OR • Reduce suspension period if person completes an educational series or demonstrates substantial 	<p>SHALL:</p> <ul style="list-style-type: none"> • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; AND • Order the minor to compete an educational series or substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> • Reduce suspension period if: <ul style="list-style-type: none"> ○ The violation is the person’s second or

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DRUG OFFENSES		
OFFENSE	FIRST OFFENSE	SECOND OFFENSE
	<p>progress in substance abuse treatment.</p>	<p>subsequent violation;</p> <ul style="list-style-type: none"> ○ The person completes an educational series or demonstrates substantial progress in substance abuse treatment; AND ○ The person or person’s parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol or drugs for at least a one-year period during the currently imposed suspension period.
<p>Imitation Controlled Substances Act, Title 58, Chapter 37b</p>	<p>SHALL:</p> <ul style="list-style-type: none"> • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; • Order the minor to complete an educational series or substance abuse treatment; AND/OR • Reduce suspension period if person completes an educational series or demonstrates substantial progress in substance abuse treatment. 	<p>SHALL:</p> <ul style="list-style-type: none"> • Suspend driver’s license if the person is at least 13 yrs. old, but younger than 21 yrs. old • Order 20 to 100 hours of compensatory service which may be credited by completion of approved substance abuse treatment • Order the minor to complete a screening; • Order the minor to complete an assessment, if appropriate; AND • Order the minor to complete an educational series or substance abuse treatment <p>MAY:</p> <ul style="list-style-type: none"> • Reduce suspension period if: <ul style="list-style-type: none"> ○ The violation is the person’s second or subsequent violation; ○ The person completes an educational series or demonstrates substantial progress in substance abuse treatment; AND ○ The person or parents provide a sworn statement to the court certifying that the person hasn’t unlawfully consumed alcohol or drugs for at least a one-year period during the currently imposed suspension period.