

1                   **MINOR ALCOHOL OR DRUG RELATED OFFENSES AND**  
2   **DRIVING PRIVILEGES**

3   2015 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Edward H. Redd**

6   Senate Sponsor: \_\_\_\_\_

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies provisions relating to sentencing requirements for certain alcohol or  
11                   drug related offenses.

12                   **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ requires a court to order a screening, an assessment, and an educational series or  
15                   substance abuse treatment if found appropriate by the screening or assessment for  
16                   certain alcohol related offenses committed by minors;
- 17                   ▶ authorizes a court to reduce a driver license suspension period for certain alcohol or  
18                   drug related offenses committed by minors;
- 19                   ▶ amends the requirements for a court to reduce a driver license suspension period for  
20                   certain alcohol or drug related offenses committed by minors; and
- 21                   ▶ makes conforming and technical changes.

22                   **Money Appropriated in this Bill:**

23                   None

24                   **Other Special Clauses:**

25                   None

26                   **Utah Code Sections Affected:**

27                   AMENDS:



- 28 [32B-4-409](#), as last amended by Laws of Utah 2014, Chapter 314
- 29 [32B-4-410](#), as last amended by Laws of Utah 2014, Chapter 314
- 30 [32B-4-411](#), as enacted by Laws of Utah 2010, Chapter 276
- 31 [53-3-220](#), as last amended by Laws of Utah 2010, Chapters 276 and 374
- 32 [76-9-701](#), as last amended by Laws of Utah 2014, Chapter 314
- 33 [78A-6-606](#), as last amended by Laws of Utah 2014, Chapter 314

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35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section [32B-4-409](#) is amended to read:

37 **[32B-4-409. Unlawful purchase, possession, consumption by minor -- Measurable](#)**  
38 **[amounts in body.](#)**

39 (1) Unless specifically authorized by this title, it is unlawful for a minor to:

- 40 (a) purchase an alcoholic product;
- 41 (b) attempt to purchase an alcoholic product;
- 42 (c) solicit another person to purchase an alcoholic product;
- 43 (d) possess an alcoholic product;
- 44 (e) consume an alcoholic product; or
- 45 (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

46 (2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic  
47 product for a minor for:

- 48 (a) a minor to misrepresent the minor's age; or
- 49 (b) any other person to misrepresent the age of a minor.

50 (3) It is unlawful for a minor to possess or consume an alcoholic product while riding  
51 in a limousine or chartered bus.

52 (4) If a minor is found by a court to have violated this section [~~and the violation is the~~  
53 ~~minor's second or subsequent violation of this section~~], the court shall:

54 [~~(a) shall order the minor to participate in an educational series as defined in Section~~  
55 ~~41-6a-501; and]~~

56 [~~(b) may order the minor to participate in a screening as defined in Section [41-6a-501](#).]~~

- 57 (a) order the minor to complete a screening as defined in Section [41-6a-501](#);
- 58 (b) order the minor to complete an assessment as defined in Section [41-6a-501](#) if the

59 screening indicates an assessment to be appropriate; and

60 (c) order the minor to complete an educational series as defined in Section 41-6a-501  
61 or substance abuse treatment as indicated by an assessment.

62 (5) (a) When a minor who is at least 18 years old, but younger than 21 years old, is  
63 found by a court to have violated this section, except as provided in Section 32B-4-411, the  
64 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

65 (b) Notwithstanding the provision in Subsection (5)(a), the court may reduce the  
66 suspension period required under Section 53-3-219 if:

67 (i) the violation is the minor's first violation of this section; and

68 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501[.];

69 or

70 (B) the minor demonstrates substantial progress in substance abuse treatment.

71 (c) Notwithstanding the requirement in Subsection (5)(a) and in accordance with the  
72 requirements of Section 53-3-219, the court may reduce the suspension period required under  
73 Section 53-3-219 if:

74 (i) the violation is the minor's second or subsequent violation of this section; [~~and~~]

75 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or  
76 demonstrated substantial progress in substance abuse treatment; and

77 [~~(ii)~~] (iii) (A) the person is 18 years of age or older and provides a sworn statement to  
78 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year  
79 consecutive period during the suspension period imposed under Subsection (5)(a); or

80 (B) the person is under 18 years of age and has the person's parent or legal guardian  
81 provide an affidavit or sworn statement to the court certifying that to the parent or legal  
82 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a  
83 one-year consecutive period during the suspension period imposed under Subsection (5)(a).

84 (6) When a minor who is at least 13 years old, but younger than 18 years old, is found  
85 by the court to have violated this section, Section 78A-6-606 applies to the violation.

86 (7) When a court issues an order suspending a person's driving privileges for a  
87 violation of this section, the Driver License Division shall suspend the person's license under  
88 Section 53-3-219.

89 (8) When the Department of Public Safety receives the arrest or conviction record of a

90 person for a driving offense committed while the person's license is suspended pursuant to this  
91 section, the Department of Public Safety shall extend the suspension for an additional like  
92 period of time.

93 (9) This section does not apply to a minor's consumption of an alcoholic product in  
94 accordance with this title:

95 (a) for medicinal purposes if:

96 (i) the minor is at least 18 years old; or

97 (ii) the alcoholic product is furnished by:

98 (A) the parent or guardian of the minor; or

99 (B) the minor's health care practitioner, if the health care practitioner is authorized by  
100 law to write a prescription; or

101 (b) as part of a religious organization's religious services.

102 Section 2. Section 32B-4-410 is amended to read:

103 **32B-4-410. Unlawful admittance or attempt to gain admittance by minor.**

104 (1) It is unlawful for a minor to gain admittance or attempt to gain admittance to the  
105 premises of:

106 (a) a tavern; or

107 (b) a social club licensee, except to the extent authorized by Section 32B-6-406.1.

108 (2) A minor who violates this section is guilty of a class C misdemeanor.

109 (3) If a minor is found by a court to have violated this section [~~and the violation is the~~  
110 ~~minor's second or subsequent violation of this section~~], the court shall:

111 [~~(a) shall order the minor to participate in an educational series as defined in Section~~  
112 ~~41-6a-501; and]~~

113 [~~(b) may order the minor to participate in a screening as defined in Section 41-6a-501.~~]

114 (a) order the minor to complete a screening as defined in Section 41-6a-501;

115 (b) order the minor to complete an assessment as defined in Section 41-6a-501 if the  
116 screening indicates an assessment to be appropriate; and

117 (c) order the minor to complete an educational series as defined in Section 41-6a-501  
118 or substance abuse treatment as indicated by an assessment.

119 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is  
120 found by a court to have violated this section, except as provided in Section 32B-4-411, the

121 court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

122 (b) Notwithstanding the provision in Subsection (4)(a), the court may reduce the  
123 suspension period required under Section 53-3-219 if:

124 (i) the violation is the minor's first violation of this section; and

125 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501[-];

126 or

127 (B) the minor demonstrates substantial progress in substance abuse treatment.

128 (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the  
129 requirements of Section 53-3-219, the court may reduce the suspension period required under  
130 Section 53-3-219 if:

131 (i) the violation is the minor's second or subsequent violation of this section; [~~and~~]

132 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or

133 demonstrated substantial progress in substance abuse treatment; and

134 [~~(iii)~~] (iii) (A) the person is 18 years of age or older and provides a sworn statement to  
135 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year  
136 consecutive period during the suspension period imposed under Subsection (4)(a); or

137 (B) the person is under 18 years of age and has the person's parent or legal guardian  
138 provide an affidavit or sworn statement to the court certifying that to the parent or legal  
139 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a  
140 one-year consecutive period during the suspension period imposed under Subsection (4)(a).

141 (5) When a minor who is at least 13 years old, but younger than 18 years old, is found  
142 by a court to have violated this section, Section 78A-6-606 applies to the violation.

143 (6) When a court issues an order suspending a person's driving privileges for a  
144 violation of this section, the Driver License Division shall suspend the person's license under  
145 Section 53-3-219.

146 (7) When the Department of Public Safety receives the arrest or conviction record of a  
147 person for a driving offense committed while the person's license is suspended pursuant to this  
148 section, the Department of Public Safety shall extend the suspension for an additional like  
149 period of time.

150 Section 3. Section 32B-4-411 is amended to read:

151 **32B-4-411. Minor's unlawful use of proof of age.**

152 (1) As used in this section, "proof of age violation" means a violation by a minor of:

153 (a) Chapter 1, Part 4, Proof of Age Act; or

154 (b) if as part of the violation the minor uses a proof of age in violation of Chapter 1,

155 Part 4, Proof of Age Act:

156 (i) Section 32B-4-409; or

157 (ii) Section 32B-4-410.

158 (2) If a court finds a minor engaged in a proof of age violation, notwithstanding the  
159 penalties provided for in Subsection (1):

160 (a) (i) for a first violation, the minor is guilty of a class B misdemeanor;

161 (ii) for a second violation, the minor is guilty of a class A misdemeanor; and

162 (iii) for a third or subsequent violation, the minor is guilty of a class A misdemeanor,  
163 except that the court may impose:

164 (A) a fine of up to \$5,000;

165 (B) screening, assessment, or substance abuse treatment, as defined in Section  
166 41-6a-501;

167 (C) an educational series, as defined in Section 41-6a-501;

168 (D) alcoholic product related community service or compensatory service work  
169 program hours;

170 (E) fees for restitution and treatment costs;

171 (F) defensive driver education courses; or

172 (G) a combination of these penalties; and

173 (b) (i) for a minor who is at least 13 years old, but younger than 18 years old:

174 (A) the court shall forward to the Driver License Division a record of an adjudication  
175 under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under this section; and

176 (B) the provisions regarding suspension of a driver license under Section 78A-6-606  
177 apply; and

178 (ii) for a minor who is at least 18 years old, but younger than 21 years old:

179 (A) the court shall forward to the Driver License Division a record of conviction for a  
180 violation under this section; and

181 (B) the Driver License Division shall suspend the person's license under Section  
182 53-3-220.

183 (3) (a) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the  
184 suspension period under Subsection 53-3-220(1)(e) or 78A-6-606(2)(d) if:

185 (i) the violation is the minor's first violation of Section 32B-4-411; and

186 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or

187 (B) the minor demonstrates substantial progress in substance abuse treatment.

188 (b) Notwithstanding the requirement in Subsection (2)(b), the court may reduce the  
189 suspension period under Subsection 53-3-220(1)(e) or 78A-6-606(2)(d) if:

190 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;

191 (ii) the person has completed an educational series as defined in Section 41-6a-501 or  
192 demonstrated substantial progress in substance abuse treatment; and

193 (iii) (A) the person is 18 years of age or older and provides a sworn statement to the  
194 court that the person has not unlawfully consumed alcohol or drugs for at least a one-year  
195 consecutive period during the suspension period imposed under Subsection 53-3-220(1)(e) or  
196 78A-6-606(2)(d); or

197 (B) the minor is under 18 years of age and has the minor's parent or legal guardian  
198 provide an affidavit or sworn statement to the court certifying that to the parent or legal  
199 guardian's knowledge the minor has not unlawfully consumed alcohol or drugs for at least a  
200 one-year consecutive period during the suspension period imposed under Subsection  
201 53-3-220(1)(e) or 78A-6-606(2)(d).

202 [~~3~~] (4) When the Department of Public Safety receives the arrest or conviction record  
203 of an individual for a driving offense committed while the individual's license is suspended  
204 pursuant to this section, the Department of Public Safety shall extend the suspension for an  
205 additional like period of time.

206 [~~4~~] (5) A court may not fail to enter a judgment of conviction under this section under  
207 a plea in abeyance agreement.

208 Section 4. Section 53-3-220 is amended to read:

209 **53-3-220. Offenses requiring mandatory revocation, denial, suspension, or**  
210 **disqualification of license -- Offense requiring an extension of period -- Hearing --**  
211 **Limited driving privileges.**

212 (1) (a) The division shall immediately revoke or, when this chapter, Title 41, Chapter  
213 6a, Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or

214 disqualification, the division shall deny, suspend, or disqualify the license of a person upon  
215 receiving a record of the person's conviction for:

216 (i) manslaughter or negligent homicide resulting from driving a motor vehicle, or  
217 automobile homicide under Section 76-5-207 or 76-5-207.5;

218 (ii) driving or being in actual physical control of a motor vehicle while under the  
219 influence of alcohol, any drug, or combination of them to a degree that renders the person  
220 incapable of safely driving a motor vehicle as prohibited in Section 41-6a-502 or as prohibited  
221 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);

222 (iii) driving or being in actual physical control of a motor vehicle while having a blood  
223 or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited in an ordinance  
224 that complies with the requirements of Subsection 41-6a-510(1);

225 (iv) perjury or the making of a false affidavit to the division under this chapter, Title  
226 41, Motor Vehicles, or any other law of this state requiring the registration of motor vehicles or  
227 regulating driving on highways;

228 (v) any felony under the motor vehicle laws of this state;

229 (vi) any other felony in which a motor vehicle is used to facilitate the offense;

230 (vii) failure to stop and render aid as required under the laws of this state if a motor  
231 vehicle accident results in the death or personal injury of another;

232 (viii) two charges of reckless driving, impaired driving, or any combination of reckless  
233 driving and impaired driving committed within a period of 12 months; but if upon a first  
234 conviction of reckless driving or impaired driving the judge or justice recommends suspension  
235 of the convicted person's license, the division may after a hearing suspend the license for a  
236 period of three months;

237 (ix) failure to bring a motor vehicle to a stop at the command of a peace officer as  
238 required in Section 41-6a-210;

239 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that  
240 requires disqualification;

241 (xi) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or  
242 allowing the discharge of a firearm from a vehicle;

243 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or  
244 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b);



245 (xiii) operating or being in actual physical control of a motor vehicle while having any  
246 measurable controlled substance or metabolite of a controlled substance in the person's body in  
247 violation of Section 41-6a-517;

248 (xiv) until July 30, 2015, operating or being in actual physical control of a motor  
249 vehicle while having any alcohol in the person's body in violation of Section 53-3-232;

250 (xv) operating or being in actual physical control of a motor vehicle while having any  
251 measurable or detectable amount of alcohol in the person's body in violation of Section  
252 41-6a-530;

253 (xvi) engaging in a motor vehicle speed contest or exhibition of speed on a highway in  
254 violation of Section 41-6a-606;

255 (xvii) operating or being in actual physical control of a motor vehicle in this state  
256 without an ignition interlock system in violation of Section 41-6a-518.2; or

257 (xviii) custodial interference, under:

258 (A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days, unless  
259 the court provides the division with an order of suspension for a shorter period of time;

260 (B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days, unless  
261 the court provides the division with an order of suspension for a shorter period of time; or

262 (C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days, unless  
263 the court provides the division with an order of suspension for a shorter period of time.

264 (b) The division shall immediately revoke the license of a person upon receiving a  
265 record of an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for:

266 (i) a felony violation of Section 76-10-508 or 76-10-508.1 involving discharging or  
267 allowing the discharge of a firearm from a vehicle; or

268 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or  
269 incendiary device from a vehicle in violation of Subsection 76-10-306(4)(b).

270 (c) Except when action is taken under Section 53-3-219 for the same offense, the  
271 division shall immediately suspend for six months the license of a person upon receiving a  
272 record of conviction for:

273 (i) any violation of:

274 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

275 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

276 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;  
277 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or  
278 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or  
279 (ii) any criminal offense that prohibits:  
280 (A) possession, distribution, manufacture, cultivation, sale, or transfer of any substance  
281 that is prohibited under the acts described in Subsection (1)(c)(i); or  
282 (B) the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or  
283 transfer any substance that is prohibited under the acts described in Subsection (1)(c)(i).  
284 (d) (i) The division shall immediately suspend a person's driver license for conviction  
285 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the division receives:  
286 (A) an order from the sentencing court requiring that the person's driver license be  
287 suspended; and  
288 (B) a record of the conviction.  
289 (ii) An order of suspension under this section is at the discretion of the sentencing  
290 court, and may not be for more than 90 days for each offense.  
291 (e) (i) The division shall immediately suspend for one year the license of a person upon  
292 receiving a record of:  
293 (A) conviction for the first time for a violation under Section 32B-4-411; or  
294 (B) an adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a  
295 violation under Section 32B-4-411.  
296 (ii) The division shall immediately suspend for a period of two years the license of a  
297 person upon receiving a record of:  
298 (A) (I) conviction for a second or subsequent violation under Section 32B-4-411; and  
299 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a prior  
300 conviction for a violation under Section 32B-4-411; or  
301 (B) (I) a second or subsequent adjudication under Title 78A, Chapter 6, Juvenile Court  
302 Act of 1996, for a violation under Section 32B-4-411; and  
303 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years of a prior  
304 adjudication under Title 78A, Chapter 6, Juvenile Court Act of 1996, for a violation under  
305 Section 32B-4-411.  
306 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:

- 307 (A) for a conviction or adjudication described in Subsection (1)(e)(i):  
308 (I) impose a suspension for one year beginning on the date of conviction; or  
309 (II) if the person is under the age of eligibility for a driver license, impose a suspension  
310 that begins on the date of conviction and continues for one year beginning on the date of  
311 eligibility for a driver license; or
- 312 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):  
313 (I) impose a suspension for a period of two years; or  
314 (II) if the person is under the age of eligibility for a driver license, impose a suspension  
315 that begins on the date of conviction and continues for two years beginning on the date of  
316 eligibility for a driver license.
- 317 (iv) Upon receipt of the first order suspending a person's driving privileges under  
318 Section 32B-4-411, the division shall reduce the suspension period under Subsection (1)(e)(i) if  
319 ordered by the court in accordance with Subsection 32B-4-411(3)(a).
- 320 (v) Upon receipt of the second or subsequent order suspending a person's driving  
321 privileges under Section 32B-4-411, the division shall reduce the suspension period under  
322 Subsection (1)(e)(ii) if ordered by the court in accordance with Subsection 32B-4-411(3)(b).
- 323 (2) The division shall extend the period of the first denial, suspension, revocation, or  
324 disqualification for an additional like period, to a maximum of one year for each subsequent  
325 occurrence, upon receiving:
- 326 (a) a record of the conviction of any person on a charge of driving a motor vehicle  
327 while the person's license is denied, suspended, revoked, or disqualified;
- 328 (b) a record of a conviction of the person for any violation of the motor vehicle law in  
329 which the person was involved as a driver;
- 330 (c) a report of an arrest of the person for any violation of the motor vehicle law in  
331 which the person was involved as a driver; or
- 332 (d) a report of an accident in which the person was involved as a driver.
- 333 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is  
334 driving while the person's license is denied, suspended, disqualified, or revoked, the person is  
335 entitled to a hearing regarding the extension of the time of denial, suspension, disqualification,  
336 or revocation originally imposed under Section 53-3-221.
- 337 (4) (a) The division may extend to a person the limited privilege of driving a motor

338 vehicle to and from the person's place of employment or within other specified limits on  
339 recommendation of the judge in any case where a person is convicted of any of the offenses  
340 referred to in Subsections (1) and (2) except:

341 (i) automobile homicide under Subsection (1)(a)(i);  
342 (ii) those offenses referred to in Subsections (1)(a)(ii), (iii), (xi), (xii), (xiii), (1)(b), and  
343 (1)(c); and

344 (iii) those offenses referred to in Subsection (2) when the original denial, suspension,  
345 revocation, or disqualification was imposed because of a violation of Section 41-6a-502,  
346 41-6a-517, a local ordinance which complies with the requirements of Subsection  
347 41-6a-510(1), Section 41-6a-520, or Section 76-5-207, or a criminal prohibition that the person  
348 was charged with violating as a result of a plea bargain after having been originally charged  
349 with violating one or more of these sections or ordinances, unless:

350 (A) the person has had the period of the first denial, suspension, revocation, or  
351 disqualification extended for a period of at least three years;

352 (B) the division receives written verification from the person's primary care physician  
353 that:

354 (I) to the physician's knowledge the person has not used any narcotic drug or other  
355 controlled substance except as prescribed by a licensed medical practitioner within the last  
356 three years; and

357 (II) the physician is not aware of any physical, emotional, or mental impairment that  
358 would affect the person's ability to operate a motor vehicle safely; and

359 (C) for a period of one year prior to the date of the request for a limited driving  
360 privilege:

361 (I) the person has not been convicted of a violation of any motor vehicle law in which  
362 the person was involved as the operator of the vehicle;

363 (II) the division has not received a report of an arrest for a violation of any motor  
364 vehicle law in which the person was involved as the operator of the vehicle; and

365 (III) the division has not received a report of an accident in which the person was  
366 involved as an operator of a vehicle.

367 (b) (i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege  
368 authorized in this Subsection (4):

369 (A) is limited to when undue hardship would result from a failure to grant the  
370 privilege; and

371 (B) may be granted only once to any person during any single period of denial,  
372 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,  
373 or disqualification.

374 (ii) The discretionary privilege authorized in Subsection (4)(a)(iii):

375 (A) is limited to when the limited privilege is necessary for the person to commute to  
376 school or work; and

377 (B) may be granted only once to any person during any single period of denial,  
378 suspension, revocation, or disqualification, or extension of that denial, suspension, revocation,  
379 or disqualification.

380 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform  
381 Commercial Driver License Act, or whose license has been revoked, suspended, cancelled, or  
382 denied under this chapter.

383 Section 5. Section **76-9-701** is amended to read:

384 **76-9-701. Intoxication -- Release of arrested person or placement in detoxification**  
385 **center.**

386 (1) A person is guilty of intoxication if the person is under the influence of alcohol, a  
387 controlled substance, or any substance having the property of releasing toxic vapors, to a  
388 degree that the person may endanger the person or another, in a public place or in a private  
389 place where the person unreasonably disturbs other persons.

390 (2) (a) A peace officer or a magistrate may release from custody a person arrested  
391 under this section if the peace officer or magistrate believes imprisonment is unnecessary for  
392 the protection of the person or another.

393 (b) A peace officer may take the arrested person to a detoxification center or other  
394 special facility as an alternative to incarceration or release from custody.

395 (3) If a minor is found by a court to have violated this section [~~and the violation is the~~  
396 ~~minor's second or subsequent violation of this section~~], the court shall:

397 [~~(a) shall order the minor to participate in an educational series as defined in Section~~  
398 ~~41-6a-501; and]~~

399 [~~(b) may order the minor to participate in a screening as defined in Section 41-6a-501.~~]

400 (a) order the minor to complete a screening as defined in Section 41-6a-501;

401 (b) order the minor to complete an assessment as defined in Section 41-6a-501 if the  
402 screening indicates an assessment to be appropriate; and

403 (c) order the minor to complete an educational series as defined in Section 41-6a-501  
404 or substance abuse treatment as indicated by an assessment.

405 (4) (a) When a minor who is at least 18 years old, but younger than 21 years old, is  
406 found by a court to have violated this section, the court hearing the case shall suspend the  
407 minor's driving privileges under Section 53-3-219.

408 (b) Notwithstanding the requirement in Subsection (4)(a), the court may reduce the  
409 suspension period required under Section 53-3-219 if:

410 (i) the violation is the minor's first violation of this section; and

411 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501[-];

412 or

413 (B) the minor demonstrates substantial progress in substance abuse treatment.

414 (c) Notwithstanding the requirement in Subsection (4)(a) and in accordance with the  
415 requirements of Section 53-3-219, the court may reduce the suspension period required under  
416 Section 53-3-219 if:

417 (i) the violation is the minor's second or subsequent violation of this section; ~~and~~

418 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or  
419 demonstrated substantial progress in substance abuse treatment; and

420 ~~[(ii)]~~ (iii) (A) the person is 18 years of age or older and provides a sworn statement to  
421 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year  
422 consecutive period during the suspension period imposed under Subsection (4)(a); or

423 (B) the person is under 18 years of age and has the person's parent or legal guardian  
424 provide an affidavit or sworn statement to the court certifying that to the parent or legal  
425 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a  
426 one-year consecutive period during the suspension period imposed under Subsection (4)(a).

427 (5) When a person who is at least 13 years old, but younger than 18 years old, is found  
428 by a court to have violated this section, the provisions regarding suspension of the driver's  
429 license under Section 78A-6-606 apply to the violation.

430 (6) When the court issues an order suspending a person's driving privileges for a

431 violation of this section, the person's driver license shall be suspended under Section 53-3-219.

432 (7) An offense under this section is a class C misdemeanor.

433 Section 6. Section 78A-6-606 is amended to read:

434 **78A-6-606. Suspension of license for certain offenses.**

435 (1) This section applies to a minor who is at least 13 years of age when found by the  
436 court to be within its jurisdiction by the commission of an offense under:

437 (a) Section 32B-4-409;

438 (b) Section 32B-4-410;

439 (c) Section 32B-4-411;

440 (d) Section 58-37-8;

441 (e) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

442 (f) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

443 (g) Subsection 76-9-701(1).

444 (2) If the court hearing the case determines that the minor committed an offense under  
445 Section 58-37-8 or Title 58, Chapter 37a or 37b, the court shall prepare and send to the Driver  
446 License Division of the Department of Public Safety an order to suspend that minor's driving  
447 privileges.

448 (3) (a) The court hearing the case shall suspend the minor's driving privileges if~~[(i)]~~  
449 the minor violated Section 32B-4-409, Section 32B-4-410, or Subsection 76-9-701(1)~~]; and].~~

450 ~~[(ii) the violation described in Subsection (3)(a)(i) was committed on or after July 1,~~  
451 ~~2009.]~~

452 (b) Notwithstanding the requirement in Subsection (2) or (3)(a), the court may reduce  
453 the suspension period required under Section 53-3-219 if:

454 (i) the violation is the minor's first violation of:

455 (A) Section 32B-4-409~~];~~;

456 (B) Section 32B-4-410~~];~~;

457 (C) Section 58-37-8;

458 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

459 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

460 (F) Subsection 76-9-701(1); and

461 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501~~];~~;

462 or

463 (B) the minor demonstrates substantial progress in substance abuse treatment.

464 (c) Notwithstanding the requirement in Subsection (2) or (3)(a) and in accordance with  
465 the requirements of Section 53-3-219, the court may reduce the suspension period required  
466 under Section 53-3-219 if:

467 (i) the violation is the minor's second or subsequent violation of:

468 (A) Section 32B-4-409[5];

469 (B) Section 32B-4-410[5];

470 (C) Section 58-37-8;

471 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

472 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

473 (F) Subsection 76-9-701(1); [~~and~~]

474 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or  
475 demonstrated substantial progress in substance abuse treatment; and

476 [~~(i)~~] (iii) (A) the person is 18 years of age or older and provides a sworn statement to  
477 the court that the person has not unlawfully consumed alcohol or drugs for at least a one-year  
478 consecutive period during the suspension period imposed under Subsection (3)(a); or

479 (B) the person is under 18 years of age and has the person's parent or legal guardian  
480 provide an affidavit or sworn statement to the court certifying that to the parent or legal  
481 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a  
482 one-year consecutive period during the suspension period imposed under Subsection (3)(a).

483 (d) If a minor commits a proof of age violation, as defined in Section 32B-4-411:

484 (i) the court shall forward a record of adjudication to the Department of Public Safety  
485 for a first or subsequent violation; and

486 (ii) the minor's driving privileges will be suspended:

487 (A) for a period of at least one year under Section 53-3-220 for a first conviction for a  
488 violation of Section 32B-4-411; or

489 (B) for a period of two years for a second or subsequent conviction for a violation of  
490 Section 32B-4-411.

491 (e) Notwithstanding the requirement in Subsection (3)(d), the court may reduce the  
492 suspension period imposed under Subsection (3)(d)(ii)(A) if:



- 493 (i) the violation is the minor's first violation of Section 32B-4-411; and  
494 (ii) (A) the minor completes an educational series as defined in Section 41-6a-501; or  
495 (B) the minor demonstrates substantial progress in substance abuse treatment.  
496 (f) Notwithstanding the requirement in Subsection (3)(d), the court may reduce the  
497 suspension period imposed under Subsection (3)(d)(ii)(B) if:  
498 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;  
499 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or  
500 demonstrated substantial progress in substance abuse treatment; and  
501 (iii) (A) the person is 18 years of age or older and provides a sworn statement to the  
502 court that the person has not unlawfully consumed alcohol or drugs for at least a one-year  
503 consecutive period during the suspension period imposed under Subsection (3)(d)(ii)(B); or  
504 (B) the person is under 18 years of age and has the person's parent or legal guardian  
505 provide an affidavit or sworn statement to the court certifying that to the parent or legal  
506 guardian's knowledge the person has not unlawfully consumed alcohol or drugs for at least a  
507 one-year consecutive period during the suspension period imposed under Subsection  
508 (3)(d)(ii)(B).  
509 (4) A minor's license shall be suspended under Section 53-3-219 when a court issues  
510 an order suspending the minor's driving privileges for a violation of:  
511 (a) Section 32B-4-409;  
512 (b) Section 32B-4-410;  
513 (c) Section 58-37-8;  
514 (d) Title 58, Chapter 37a or 37b; or  
515 (e) Subsection 76-9-701(1).  
516 (5) When the Department of Public Safety receives the arrest or conviction record of a  
517 person for a driving offense committed while the person's license is suspended under this  
518 section, the Department of Public Safety shall extend the suspension for a like period of time.