



Utah already has some of the toughest DUI laws in the US, and they're about to get even tougher. The current blood alcohol concentration limit of 0.08 grams is scheduled to be cut to 0.05 grams from 2019, and a bill to delay the implementation of this reduction was recently defeated by state lawmakers, signaling their determination to crack down hard on drivers who drink. So, if you find yourself charged with a DUI offense, it is very important to consult a suitably experienced attorney right away.

For individually tailored, non-judgmental advice and support you can call a DUI defense lawyer Utah on 801-850-9740 or complete our contact form to schedule a free 30-minute case review

The DUI Law in Utah

In common with many states, Utah operates a “per se” system for DUI offenses. This means that an offense is committed simply by the exceeding of specified blood or breath alcohol limits, irrespective of any actual impairment of driving performance. There's also a subjective offense of being under the influence of alcohol and/or any drug to the extent that you are unable to operate a vehicle safely. You should also be aware that the definition of the offense includes “actual physical control.” This means that you do not necessarily have to be driving. It may be sufficient that you are inside a stationary vehicle with access to the keys.

Aggravating Factors and Penalties for DUI Convictions

The penalties for DUI offenses in Utah are severe. Apart from the immediate suspension of your license on arrest, a conviction may result in any or all of a fine, jail or prison term, license revocation and compulsory ignition interlock. Punishments increase in severity for

repeat offenses, and any other aggravating factors which are present. Generally, a first or second DUI offense is regarded as a Class B misdemeanor under the Utah Code, but it may be charged as a more serious Class A if an injury is caused to another person, or if a person under 16 is a passenger. Drivers over 21 may also commit a Class A misdemeanor if carrying a passenger under the age of 18.

A DUI offense may be charged as a felony if:

- it is a third DUI offense;
- the offender has previous convictions for automobile homicide or a felony DUI; or
- serious injury has been caused to another person.

At this level, a maximum 5-year prison sentence is available to the court, with a fine not exceeding \$2850. A mandatory 62-day jail term will be served if no prison sentence is imposed.

Defending DUI Cases

But just because Utah treats DUI offenses very seriously, it doesn't mean that no defense is possible. The first line of defense considered by a criminal attorney Utah may be that the initial breath or blood test was incorrectly administered, or that there was some fault with the test equipment.

If a refusal to take the test is part of the prosecution case, it may also be possible to mount a defense that you were not properly fully informed of your relevant rights, obligations and the consequences of refusal.

A variety of other defenses may be available in specific circumstances, but even in the event of a guilty verdict or plea, with such a wide range of sentencing options available to the court, it is important that you are represented by a suitably experienced attorney. A strong advocate will ensure that the court is fully aware of all the mitigating factors which should count in your favor.

Get a FREE DUI Case Review in Utah

The practice of Eric Swinyard, Salt Lake City criminal defense lawyer, is 100% committed to getting the best possible outcome for clients. Call us on 801-850-9740 or complete the contact form [here](#) and we'll support you through all the stages of any proceedings.
