

1-22-21

House Law Enforcement and Criminal Justice Committee

Bill: HB 20, Driving Under the Influence Sentencing Amendments

Sponsor: Rep. Eliason

Floor Sponsor: Sen. Bramble

UASD Position: Support

This Bill: amends provisions related to penalties for driving under the influence and related offenses.

Discussion: Rep. Eliason provided research that shows sixteen to thirty-five-year-olds are five times more likely to be involved in a fatal crash if the driver's blood alcohol level is between .05 and .08. If a driver's blood alcohol level is .08 to .09 the risk doubles. When a driver's blood alcohol is .15, it is 490 times more likely to end in a fatal crash. The co-presenter and President of the State Wide Association of Prosecutors said that many other states have recognized that there needs to be a tiered sentencing structure for Driving Under the Influence (DUI) sentencing. This bill creates a higher tier of penalties for: someone who is above a .06 blood alcohol level (BAC), someone who is above a .05 BAC, and other substances such as cocaine, or someone who is on two or more unprescribed substances. It also creates a new sentencing structure that increases jail time or additional home confinement with alcohol monitoring for those in the higher tier. It also requires a probation officer be assigned to the individuals in the higher tier. It prohibits plea deals for those in the higher tier. There will be a separate DUI offense for every child in the car. There are some exceptions, such as those that intend to cooperate with the 24/7 DUI sobriety program. The alcohol monitoring or increased sentencing could be substituted with the DUI sobriety program. The Sponsor said there has been a 273% increase in alcohol or other illegal substances fatalities since 2010. This bill includes an ankle monitor that notifies a person's probation officer when the individual is drinking alcohol. Currently, in any DUI, individuals can be sentenced for up to 180 days. There is data to demonstrate judges sentencing stays the same despite the BAC. Rep. Stoddard voiced the need to educate prosecutors instead of implementing this bill. Rep. Miles voiced concern about individuals who are first time offenders getting too severe a punishment. The only way for individuals not to have to serve time is to participate in in the 24/7 DUI program. This program is only offered in Weber County for Weber County residents. Mark Moffit, a criminal defense attorney, voiced opposition to this bill. The Salt Lake County District Attorney's Office voiced support for this bill. The Salt Lake Legal Defenders Office voiced opposition for this bill because this bill adds another layer that involves a lot of fees that some individuals can't afford. The Utah Sentencing Commission opposes this bill because research shows the least effective deterrent for committing a crime is increased sentencing. The Utah Department of Transportation said this bill violates federal law because of the sentencing exception of the DUI sobriety program. The DUI committee gave a favorable recommendation for this bill. There was an amendment added that changed the technical language to makes it so that repeat offenders cannot substitute the sentence with the 24/7 DUI

sobriety program which fixed the issue with the violation of the federal law. The amendment passed.

Yeas: 9

Nays: 1

N/V: 1

Outcome: Passed to the Senate with a favorable recommendation