

KANE COUNTY JUSTICE COURT
State of Utah
76 North Main Street, Kanab, UT 84741
(435) 644-2351 – telephone; (435) 644-2052 – fax
jckane@utcourts.gov

ENHANCEMENT NOTICE – INTOXICATION (18 through 20 Years Old) – 5/12/15

Defendant: _____ Case No: _____

IF YOU ARE CONVICTED of Intoxication, this conviction may be used to make a later Intoxication charge more serious. This form provides notification of the provisions of current Utah law regarding 1) enhancements; 2) minimum/maximum penalties; 3) minimum sentencing requirements; and, 4) the specific elements of your current charge. This Notice does not notify you of all possible collateral consequences. Definitions, Driver License Consequences and Miscellaneous Provisions, of which the Court is aware, are set forth in a Supplement following the first page of this Enhancement Notice.

ELEMENTS

[] Class C Misdemeanor - Public Place 76-9-701: A person is guilty of intoxication if the person is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger the person or another, in a public place.

[] Class C Misdemeanor – Private Place 76-9-701: A person is guilty of intoxication if the person is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger the person or another, in a private place where the person unreasonably disturbs other persons.

ENHANCEMENT / PENALTIES

1st Class C Misdemeanor Intoxication 76-9-701: Upon a minor's first conviction of Intoxication, the Court *may*: 1) order the minor to complete a screening; 2) order the minor to complete an assessment if the screening indicates an assessment to be appropriate; and, 3) order the minor to complete an educational series or substance abuse treatment as indicated by an assessment.

2nd or Subsequent Class C Misdemeanor (before age 21) 76-9-701: Upon a minor's second or subsequent conviction of Intoxication, the Court *shall*: 1) order the minor to complete a screening; 2) order the minor to complete an assessment if the screening indicates an assessment to be appropriate; and, 3) order the minor to complete an educational series or substance abuse treatment as indicated by an assessment.

Minimum / Maximum Sentences

Class C Misdemeanor: 0 to 90 days jail AND/OR \$ 0 to \$1,062.50 fine and surcharges (plus interest)

I understand the foregoing Enhancement Notice as explained here and as orally explained to me.

_____ (Date) _____ (Defendant's signature)

[76-9-701 INTOXICATION Y MC \$220 35%]

PLEASE COMPLETE THE FIRST PAGE AND RETURN TO THE COURT.

SUPPLEMENT

Note: This Supplement, constituting of pages 2 through 3, contains Definitions, Driver License Consequences, and Miscellaneous Provisions of which the Court is aware. It does not purport to be an exhaustive list. The Supplement does not need to be returned to the Court with pages 1, which must be returned on the date of the person's personal appearance in Court or electronically, on the Internet, within 10 days of a telephonic or video appearance.

DEFINITIONS

“Minor” 76-9-701: In a Justice Court for the offense of Intoxication, a minor is someone who is at least 18 years old, but younger than 21 years old.

“Screening” 41-6a-501: A preliminary appraisal of a person: 1) used to determine if the person is in need of: a) an assessment; or, b) an educational series; and 2) that is approved by the Division of Substance Abuse and Mental Health in accordance with 62A-15-105.

“Assessment” 41-6a-501: An in-depth clinical interview with a licensed mental health therapist: 1) used to determine if a person is in need of: a) substance abuse treatment that is obtained at a substance abuse program; b) an educational series; or, c) a combination of treatment and an educational series; and 2) that is approved by the Division of Substance Abuse and Mental Health in accordance with 62A-15-105.

“Educational Series” 41-6a-501: An educational series obtained at a substance abuse program that is approved by the Division of Substance Abuse and Mental Health in accordance with 62A-15-105.

“Substance Abuse Treatment” 41-6a-501: Treatment obtained at a substance abuse program that is approved by the Division of Substance Abuse and Mental Health in accordance with 62A-15-105.

“Substance Abuse Treatment Program” 41-6a-501: A state licensed substance abuse program.

DRIVER LICENSE CONSEQUENCES

Suspended Driving Privileges - 76-9-701; 53-3-219: When a minor is convicted of Intoxication, the minor's driving privileges are suspended under Section 53-3-219.

Suspension (1st Conviction) 53-3-219: Upon receipt of the first order suspending driving privileges, the Division shall: 1) impose a suspension for one year; 2) if the person has not been issued an operator license, deny the person's application for a license or learner's permit for one year; or, 3) if the person is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit beginning on the date of conviction and continuing for one year beginning on the date of eligibility for a driver license.

Reinstated Driving Privileges (1st Offense) - 76-9-701; 53-3-219: The court may reduce the suspension period under 53-3-219 if: 1) the violation is the minor's first Intoxication conviction; and, 2) a) the minor completes an educational series; or, b) the minor demonstrates substantial progress in substance abuse treatment.

Suspension (2nd or Subsequent Conviction) 53-3-219: Upon receipt of the second or subsequent order suspending driving privileges, the Division shall: : 1) impose a suspension for two years; 2) if the person has not been issued an operator license, deny the person's application for a license or learner's permit for two years; or, 3) if the person is under the age of eligibility for a driver license, deny the person's application for a license or learner's permit beginning on the date of conviction and continuing for two years beginning on the date of eligibility for a driver license.

Reinstated Driving Privileges (2nd Offense) - 76-9-701; 53-3-219: The court may reduce the suspension period required under 53-3-219 if: 1) the violation is the minor's second or subsequent Intoxication conviction; 2) the minor has completed an educational series or demonstrated substantial progress in substance abuse treatment; and, 3) the person provides a sworn statement to the Court that the person has not unlawfully consumed alcohol or drugs for a least a one-year consecutive period during the suspension period.

Intoxication and Not a Drop Suspension 53-3-219; 53-3-231; 32B-4-409: If the minor's driving privilege is suspended or revoked under 53-3-231 for a minor's conviction of 32B-4-409 (underage possession or consumption by minor) the Division will subtract from the Intoxication suspension the number of days the license was suspended for the Not a Drop Suspension, if the convictions were from the same criminal episode.