

DUI Defense Attorney in Salt Lake City, Utah

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If you've been charged with a DUI in Utah, the last thing you want to do is wait to hire an attorney. **Utah law is very strict on when DUI cases go to trial and how long you have to plea bargain the case. That's why it's important to hit the ground running in order to best protect your quality of life.**

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At the Wasatch Defense Attorneys, we know how important this case is to you. That's why we'll aggressively attack the charges against you ASAP.

Call the Wasatch Defense Lawyers to schedule a FREE no-obligation DUI case review [801.845.3427](tel:801.845.3427).

Save Your Driver's License

One of the biggest penalties you face in a DUI case is the loss of your driver's license. Losing the ability to drive places on your own can seriously impede your freedom and your quality of life. You only have 10 days after the arrest to file for an administrative license hearing to try to save your license. If you don't file for the hearing in time, you automatically lose your driving privileges for a period ranging from 4 months to 2 years.

Utah DUI Penalties

Driving under the influence (DUI), also frequently referred to as driving while intoxicated (DWI) in many states, is considered a serious offense throughout the United States. In Utah, persons operating a vehicle with a BAC of .05% or greater has committed the crime

of DUI. In Utah, it is illegal to operate a vehicle while under the influence of any controlled substance that prevents the driver from safely operating a vehicle.

The first DUI offense is generally a Class B misdemeanor. However, the first offense can be enhanced to a Class A misdemeanor if any harm to a victim resulted from the DUI, and the driver had a minor as a passenger. Thereafter, subsequent DUIs will be charged as Third Degree Felonies.

A second DUI offense is generally also a misdemeanor but you can be charged with a felony if you cause serious injuries or death.

The consequences of a DUI conviction can be extreme. ***DUI punishments range from up to six months in jail and a minimum fine of \$1,000; to five years in prison and a fine of up to \$5,000.*** In addition to any incarceration or fines imposed by the court, an offender will have their license revoked for 120 days.

If a **DUI offender is a minor**, then their driver's license will be revoked until they turn 21 or one year; whichever is longer.

If the **DUI offender has a prior conviction in the last 10 years**, then the license will be revoked for two years. The offender can also expect to attend alcohol treatment and to have a breath test interlock device installed in their vehicle.

Less common, but still legal, DUI punishments include house arrest (including electronic tracking, which you have to pay for), loss of CDL privileges, and court-ordered use of various possible devices that can track your intoxication levels, which you also have to pay for.

Motions to Suppress Your DUI

Motions to suppress are legal arguments presented to a judge before your trial. They typically target evidence but can be used to throw out the entire charge. For example, your defense attorney can use a motion to suppress your DUI if:

- The officer involved didn't have enough reasonable suspicion to stop you
- You were illegally detained or were detained for longer than was reasonable
- The officer had no reasonable cause for your arrest

Individual pieces of evidence can also be suppressed, particularly if they were obtained illegally or administered incorrectly. **An experienced lawyer uses motions to suppress evidence that would typically result in a sure-fire conviction. This is the first step to a good defense.**



Minors and Underage Drinking

If you are a minor or are the parent of a minor who has been charged with underage drinking and driving in Utah, the consequences of drinking under the legal age go beyond the penalties listed for those over 21. If the defendant is underage and was just caught drinking—just drinking, not even driving—the court can still order the defendant’s license revoked, and it can stay revoked for up to two years.

If your child is facing charges for underage drinking, you need a Top-Rated DUI Defense Attorney in Utah who can guide you every step of the way. At Wasatch Defense Lawyers, you are well supported, and you remain informed on important developments of the case. Please contact us today for a no-obligation case review.

Measuring the Level of Intoxication

The liver metabolizes about one standard drink per hour in a healthy person. ***One to two drinks will raise a person's BAC by .01-.05% depending on several factors such as size, body-mass, gender, age, and any prescriptions the person may be taking.*** After two to three drinks, most people will have a BAC between .06%. Mental processes including memory, judgment, reaction time, perception, and fine motor skills will be inhibited at that level of intoxication. High BAC is typically associated with a loss of social inhibition, loss of balance, slurred speech, low body temperature, trouble breathing, vomiting, and even death.

Law enforcement relies on two main methods of determining BAC: the field sobriety tests, and breathalyzer analysis.

The Romberg Balance Test:

The Romberg Balance Test is administered broadly across most jurisdictions. The Romberg test is based on certain physiological principles that suggest that three functions are involved in remaining standing still: vision, proprioception (knowing where your body is in space), and vestibular function (the balance provided by the inner ear). Police officers who pull over any driver may administer this test if there is a reasonable suspicion that the driver is intoxicated. The officer will ask the suspect to stand still with their feet together, tilt their head back and close their eyes, and ask them to estimate how long 30 seconds takes to pass.

The officer will be looking for:

1. body sway
2. eyelid or body tremors
3. annunciation of words
4. the ability to follow directions

Drivers with disabilities or injuries do NOT have to engage in these field tests. The Driver need only communicate that they are medically incapable of performing the tests, and the officer will be constitutionally obliged to respect the driver's medical limitations.



Breathalyzer Analysis:

Breathalyzers determine the BAC by measuring certain metabolic responses the body has to alcohol. Around 98% of alcohol passes undigested through the digestive system to be later processed by the liver. After alcohol enters the bloodstream, it is circulated throughout the body until it is eliminated by the liver. Before being fully processed, alcohol circulates in the bloodstream and through the lungs where about 2-8% of any alcohol consumed by a person will be exhaled. The amount of alcohol exhaled by a person correlates directly with the amount of undigested alcohol in the bloodstream. ***Breath tests can detect alcohol consumption up to 24 hours after consumption***, but breath tests cannot measure how high an individual BAC may have been in the past. All licensed drivers have given implied consent to receive breathalyzer analysis under Utah law. However, to provide a proper sample, a driver must blow hard and long enough. Some people experience shortness of breath as a result of some medical conditions. If a driver has a genuine medical condition, they must engage in the breathalyzer analysis to the best of their ability. All breathalyzer tests are video recorded, and so all drivers must exhibit a genuine effort to provide a breath sample. But if a driver cannot medically provide a breath sample, they cannot be prejudiced for that disability.

There is no metric currently available for law enforcement to measure the subjective experience of intoxication. There are field sobriety tests that are routinely administered by law enforcement—but some folks operate rather well after consuming a moderate amount of alcohol; while other people may be incapable of performing certain physical tests even having not consumed any alcohol.

Because there is no way to determine subjective functionality, law enforcement has come to rely upon blood alcohol concentration (BAC) as an objective standard to describe how drunk a person may be. BAC represents the amount of alcohol actively displacing blood within a person's body. And research has shown that even small amounts of alcohol directly impede certain mental and physical

processes. Legislatures have generated laws based on BAC as a reliable metric, and Utah, for example, currently enforces a BAC of .05% as the legal limit.

Schedule a Free DUI Case Review with a DUI Defense Lawyer in Salt Lake City, UT

Utah has some of the strictest laws in the nation for driving under the influence of intoxicants. The state depends on proven methods to determine a driver's level of intoxication, and the punitive consequences of a conviction are rather severe. Law enforcement relies on measuring the blood alcohol content of a driver in order to prove a DUI in a court of law. ***Educated drivers can evoke their rights, and give themselves the best possible opportunity to challenge any DUI charge.***

If you are charged with a DUI, there is a potential for dire outcomes. Utah sentences DUI offenders to heavy fines and fees for even first-time convictions, and any subsequent DUIs thereafter result in third-degree felony charges and possibly prison time! The overwhelming force of our legal institutions and the potential for punitive outcomes can be incredibly distressing. But there is no need for our clients to worry needlessly—because there are ways to defend against a DUI, and know how!

Being charged with a DUI is a serious challenge, but it does not need to derail your life. At Wasatch Defense Lawyers, we know how to navigate the criminal justice system to optimize our client's outcome. Every DUI case is different, but our team of experienced Utah DUI Attorneys know how to approach the unique challenge that each DUI client presents.

If you're facing DUI charges, call Wasatch Defense Lawyers, Salt Lake City UT at (801) 845-3427 or contact us online to schedule a free consultation, to have the best DUI attorney in Utah defending you.



Frequently Asked Questions About DUI's in Utah

What to do when you are stopped for DUI?

Do not respond to questions such as “How many drinks have you had?” You have a Constitutional right to refrain from responding to a police officer’s queries about alcohol or drug consumption.

Should you submit to a test? Consider that a DUI offense can mean suspension of driving privileges—and refusing to submit to a test will seriously lengthen the suspension.

If I get pulled over for DUI in Utah, do I have to answer the officer’s questions?

If I get pulled over for DUI in Utah, do I have to perform the Field Sobriety Tests?

Will a DUI in Utah Trigger Jail Time?

If I’m charged with a DUI, will I be required to install an ignition interlock device in my car?

What rights do I have at the time of arrest in Utah?

Will I lose my license if I’m charged with a DUI in Utah?

Will going to AA (alcoholics anonymous) meetings help me with my DUI defense?

Why would I plead “not guilty” if I am guilty?

What if I blew a .082 on my breath alcohol test? Am I just guilty?

I passed the field sobriety tests. Can the cop still arrest me?

I didn’t give a breath or blood sample. Doesn’t that mean they don’t have any evidence?

They never read me my rights. Shouldn’t that cause my case to be thrown out?

What are the drunk driving penalties by the state of Utah?

How to drop DUI charges?

How to get a felony DUI dropped to a misdemeanor?

How can a DUI lawyer help me?

How much does a DUI lawyer cost?

What questions should I ask a DUI lawyer?

[Call Now](#)

If you're facing DUI charges, [call Wasatch Defense Lawyers](#), Salt Lake City UT at (801) 845-3494 or contact us online to [schedule a free consultation](#), to have the best DUI attorney in Utah defending you.

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Guard Your Rights

Do NOT Waive Your Right to Legal Counsel! Authorities will try get you to incriminate yourself and suggest there is no need for an attorney. Stay calm and call us immediately: [801.845.3427](#)

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Compassionate & Aggressive

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