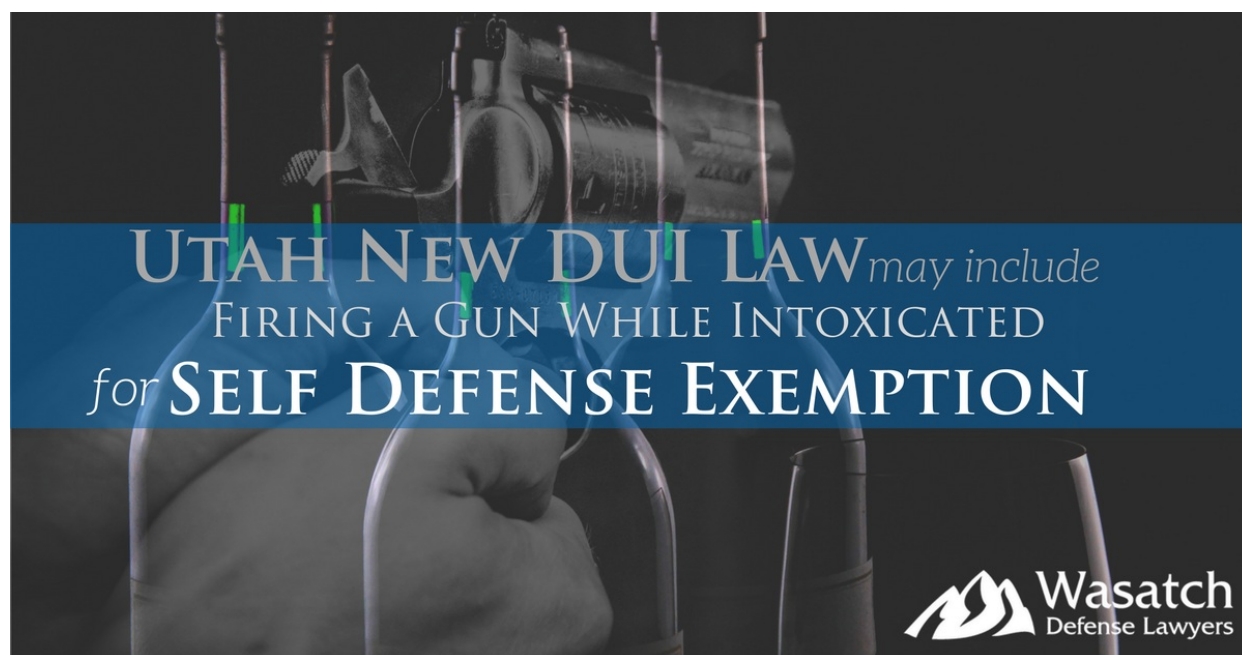


Utah New DUI Law May Include Firing a Gun While Intoxicated for Self Defense Exemption

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Utah legislators have approved the adoption of House Bill 155 (HB0155), which is ***the strictest DUI threshold in the US***. The new law will go into effect on New Year's Eve, 2018 to ***lower the current legal blood alcohol limit from 0.08 to 0.05***. The lawmaker who spearheaded efforts to pass the new law, Rep. Norm Thurston, R-Provo, is now seeking a modification that would give ***an exemption to legally intoxicated individuals who are in possession of or use a weapon to defend themselves*** or others.

The Reasoning Behind the Change

While Utah citizens think there are many other details of the new DUI law that should be changed, Rep. Thurston has been very public about filing a draft of the bill with a self-defense exemption. Thurston states that the modification will ***provide an override to exempt individuals with a blood alcohol level of 0.05%, who justifiably use a dangerous weapon to defend themselves***, their home, a family member, or another person.

Proponents of the Weapons Exemption

Rep. Lee Perry, R-District 29, who is also employed by the Utah Highway Patrol, agrees with Thurston's proposed weapons exemption. Perry states that ***just because an individual is impaired does not mean that they lose their rights to defend themselves***, their family and their home. Utah Governor, Gary Herbert acknowledges that there may be unintended consequences and has stated that he will call lawmakers into a special session to address these issues.

Opposition to the Weapons Exemption

Critics argue that the exemption favors special interest groups and that ***an individual who is considered legally intoxicated at the new legal limit of 0.05% should not be allowed to fire a gun.*** Those concerned with Thurston's proposed exemption, including many in Utah's hospitality and ski industries, would also like the following ***important issues to be addressed before implementing the new law*** at the end of this year:

- **A tiered punishment system** to charge a DUI between 0.05% and 0.08% as a misdemeanor crime rather than a DUI, similar to Colorado's DUI laws.
- **The liability of establishments that serve alcohol** needs to be clarified for cases where a customer is over-served
- **Provisional licenses** to drive to and from work for both first-time DUI offenders and those with more than one DUI offense.

Proposed Implementation Delay

After a presentation for the Senate Transportation, Public Utilities, Energy and Technology Standing Committee on Feb. 22nd, Sen. Jim Dabakis, D-Salt Lake City, told members he had two mimosas with breakfast before the meeting. Dabakis took a ***Breathalyzer test to show his blood alcohol level was at 0.05%*** and told members he felt perfectly fine. The Senator's bill, **Senate Bill 210 (SB210)**, ***would delay the new DUI law's implementation until three other states have passed it.*** Dabakis claims that ***Utah should not be leading the way for a law puts Utah in a very bad light and does not make sense.*** In addition to Dabakis' opposition, Rep. Karen Kwan, D-Taylorsville, has a bill that would ***delay implementation of the law until 2022*** to give the legislature enough time to address concerns.

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