## DAVIS COUNTY JUSTICE COURT, DAVIS COUNTY, UTAH NOTIFICATION OF ENHANCEMENT – CONTROLLED SUBSTANCE OFFENSES

Defendant:		_, Case No	
IF YOU ARE CONVICTED of the offense of Possession or Use of Controlled Substance, or other Controlled Substance Offense checked below, this conviction may be used to make a later charge more serious by raising the classification of that offense. This form provides notification of the <u>current</u> provisions of Utah State Law regarding enhancement; minimum/maximum penalties applicable to the different classifications of offenses; and the specific elements of your current charges. It does <u>not</u> notify you of other collateral consequences.			
<u>ELEMENTS</u>			
intentionally to possess o practitioner while acting substance punishable as a	r use a controlled substanting the course of the person's class B misdemeanor under	ce, unless it wa professional pra this subsection	nce 58-37-8(2)(a)(i): It is unlawful for any person knowingly and as obtained under a valid prescription or order, directly from a actice, or as otherwise authorized by this chapter. A controlled may include: any Schedule III, IV or V controlled substance as amonly known as spice, bath salts, etc.]; or marijuana.
[ ] <u>Class B misdemeanor – Possession of Marijuana, Spice, Controlled Substance</u> 58-37-8(2)(d): Any person who violates Section 58-37-8(2)(a)(i) ["Possession or Use of Controlled Substance"] with respect to all other controlled substances not punishable as a felony or class A misdemeanor, including a Schedule III, IV or V controlled substance, any controlled substance listed in 58-37-4.2, or marijuana, is guilty of a class B misdemeanor.			
[ ] <u>Class B misdemeanor – Knowingly Being Present When Controlled Substance is Used</u> 58-37-8-(2)(a) (ii): It is unlawful for any owner, tenant, licensee, or person in control of any building, room, tenement, vehicle, boat, aircraft or other place knowingly and intentionally to permit them to be occupied by persons unlawfully possessing, using, or distributing controlled substances in any of those locations			
			on or written order for a controlled substance.
toward commission of the crime, he acts with an aw	e crime; and (a) intends to co areness that his conduct is re	mmit the crime asonably certain	crime if he engages in conduct constituting a substantial step e, or (b) when causing a particular result is an element of the n to cause that result. An attempted class B misdemeanor offense is a class B misdemeanor.
	ENE	IANCEMENT	/ PENALTIES
			Controlled Substance" [punishable as a class B misdemeanor] the equent conviction the person is guilty of a third degree felony.
or Forged Prescription" is		of a class B mi	When Controlled Substance is Used" or "Possession of an Altered isdemeanor; on a second conviction guilty of a class A d degree felony.
conviction, even if subsec		. A prior convi	violation or a plea held in abeyance is the equivalent of a iction used for enhancement shall be from a conviction that is
Minimum/Maximum Sen			
Class C misdemeanor: Class B Misdemeanor:	0 days to 90 days jail 0 days to 6 months jail	AND/OR AND/OR	\$0 to \$1,062.50 in fines and surcharges, plus interest \$0 to \$1,950 in fines and surcharges, plus interest
Class A Misdemeanor:	0 days to 1 year jail	AND/OR AND/OR	\$0 to \$1,930 in fines and surcharges, plus interest
3 <sup>rd</sup> Degree Felony:	0 days to 5 years jail	AND/OR	\$0 to \$9,543 in fines and surcharges, plus interest
I understand the foregoin	g Notification of Enhanceme	nt as explained	here and as orally explained to me.
	(Date)		(Defendant's signature)