

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH

vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**Assault  
Domestic Violence:**  
Assault, Criminal Mischief, Domestic  
Violence in the Presence of Child, Interruption  
of Communication Device

NOTIFICATION OF ENHANCEMENT  
JUDGE: JERALD L. JENSEN

**ELEMENTS**

**[ ] Class-B-Misdemeanor Assault** 76-5-102: A person commits this offense if the person: (a) attempts, with unlawful force or violence, to do bodily injury to another; (b) threatens, accompanied by a show of immediate force or violence, to do bodily injury to another; or (c) commits an act, with unlawful force or violence, that causes or creates a substantial risk of bodily injury to another.

**[ ] Class-B-Misdemeanor Criminal Mischief** 76-6-106: A person commits this offense if the person: (a) intentionally and unlawfully tampers with the property of another and as a result recklessly endangers human health or safety; or (b) intentionally damages, defaces, or destroys the property of another, if the actor's conduct causes or is intended to cause pecuniary loss of less than \$300 in value.

**[ ] Class-B-Misdemeanor Commission of Domestic Violence in the Presence of a Child (Child Abuse)** 76-5-109.1: A person commits this offense if the person commits an act of domestic violence in the presence of a child.

**[ ] Damage to or Interruption of a Communication Device (Class B Misdemeanor)** 76-6-108: A person commits this offense if the actor attempts to or proceeds to prohibit or interrupt another person's use of a communication device when the other person is attempting to or has communicated a desire to summon emergency aid, and in the process the actor: (a) uses force, intimidation, or any other form of violence; (b) destroys, disables, or damages a communication device; or (c) commits any other act in an attempt to prohibit or interrupt the person's use of a communication device to summon emergency aid.

77-36-1(4): "Domestic violence" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit such an offense, when committed by one cohabitant against another. "Domestic violence" also includes, but is not limited to, the commission or attempt to commit, any of the following offenses by one cohabitant against another: (a) assault; (b) harassment; (c) electronic communication harassment; (d) sexual offenses; (e) unlawful detention; (f) any offense against property described in Title 76, Chapter 6, Part 1, 2, or 3; (g) discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle; (h) disorderly conduct, if a conviction of disorderly conduct is the result of a plea agreement in which the defendant was originally charged with any of the domestic violence offenses described above; or (i) child abuse.

78B-7-102 (2), (3): "Cohabitant" means a person who is emancipated or 16 years of age or older who: (a) is or was a spouse; (b) is or was living as if a spouse of the other party; (c) is related by blood or marriage to the other party; (d) has one or more children in common with the other party; (e) is the biological parent of the other party's unborn child; or (f) resides or has resided in the same residence as the other party. "Cohabitant" does not include: (a) the relationship of a natural, adoptive, or step-parent to a minor; or (b) the relationship between natural, adoptive, step, or foster siblings who are under 18 years of age.

**ENHANCEMENT / PENALTIES**

77-36-1.1: When an offender is convicted of any domestic violence offense in Utah, or is convicted in any other state, or in any district, possession, or territory of the United States, of an offense that would be a domestic violence offense under Utah law, and within a five-year period after the conviction commits or is convicted of a domestic violence offense that is a misdemeanor, the offense charged and the punishment for that subsequent offense is enhanced by one degree above the offense and punishment otherwise provided in the statutes described in Section 77-36-1. For purposes of this section, a plea in abeyance is considered a conviction, even if the charge has been reduced or dismissed pursuant to the agreement.

77-36-5(4), (5): The court shall assess against the defendant any costs for services or treatment provided to the victim and affected children of the victim or the Defendant by the Division of Child and Family Services under, 62A-4a-106, and order those costs to be paid directly to the division or its contracted provider. The court shall order the defendant to obtain and satisfactorily complete treatment or therapy in a domestic violence treatment program unless the court finds no licensed program is reasonably available or that treatment is not necessary.

URCrP 11(g); 22(c)(2): If the defendant is convicted of, or pleads guilty, no contest, or guilty and mentally ill to, a misdemeanor crime of domestic violence, it is unlawful for the defendant to possess, receive or transfer any firearm or ammunition.

**PENALTIES**

Minimum / Maximum Sentences

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,940 fines and surcharges, plus interest  
Class A Misdemeanor: 0 days to 1 year jail; \$0 to \$4,783 fines and surcharges, plus interest  
Third Degree Felony: 0 days to 5 years prison; \$0 to \$9,533 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH  
vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**TEXT MESSAGING WHILE  
DRIVING  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS**

41-6a-1716(2),(3): A person may not use a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle on a highway in this state except: (a) during a medical emergency; (b) when reporting a safety hazard or requesting assistance relating to a safety hazard; (c) when reporting criminal activity or requesting assistance relating to a criminal activity; (d) when providing roadside or medical assistance; or (e) when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment.

41-6a-1716(1)(a): "Handheld wireless communication device" means a handheld device for the transfer of information without the use of electronic conductor or wires, which include a: (a) wireless telephone; (b) personal digital assistant; (c) pager; or (d) text messaging device.

41-6a-1716(1)(b): "Text messaging" means a communication in the form of electronic text or one or more electronic images sent by the actor from a telephone or computer to another person's telephone or computer by addressing the communication to the person's telephone number.

**ENHANCEMENT / PENALTIES**

41-6a-1716(4): A person convicted of a violation of this section is guilty of a: (a) class C misdemeanor; or (b) class B misdemeanor if the person: (i) has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle on a highway in this state; or (ii) has a prior conviction under this section, that is within three years of: (A) the current conviction under this section; or (B) the commission of the offense upon which the current conviction is based.

**Minimum / Maximum Sentence**

Class C Misdemeanor: 0 days to 90 days jail; \$0 to \$1052.50 fines and surcharges, plus interest

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,940 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH

VS.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**SCHOOL BUS VIOLATION  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS**

41-6a-1302: (2) The operator of a vehicle on a highway, upon meeting or overtaking a school bus equipped with signals required under this section which is displaying alternating flashing: (a) amber warning light signals, shall slow the vehicle, but may proceed past the school bus using due care and caution at a speed not greater than 20 MPH for the safety of the school children that may be in the vicinity; or (b) red light signals visible from the front or rear, shall stop immediately before reaching the bus and may not proceed until the flashing red light signals cease operation. (3) The operator of a vehicle need not stop upon meeting or passing a school bus displaying alternating flashing red light signals if the school bus is traveling in the opposite direction when: (a) traveling on a divided highway; (b) the bus is stopped at an intersection or other place controlled by a traffic-control signal or by a peace officer; or (c) on a highway of five or more lanes, which may include a left-turn lane or two-way left turn lane.

**ENHANCEMENT / PENALTIES**

41-6a-1302(6)(a): A violation of Subsection (2) or (3) is a class C misdemeanor and the minimum fine shall be: (i) \$175 for a first offense; (ii) \$310 for a second offense within three years of a previous conviction or bail forfeiture; and (iii) \$715 for a third or subsequent offense within three years of a previous conviction or bail forfeiture.

41-6a-1302(6)(c): The court may order the person to perform compensatory service in lieu of the fine or any portion of the fine if the court makes the reasons for the waiver part of the record.

**Minimum / Maximum Sentence**

Class C Misdemeanor:

0 days to 90 days jail; Amounts listed above to \$1,052.50 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH  
vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**THEFT, RETAIL THEFT  
CLASS B MISDEMEANOR  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS**

Theft 76-6-404: A person commits class-B-misdemeanor theft if: (a) the person obtains or exercises unauthorized control over the property of another; (b) the person does so with a purpose to deprive the owner of the property; and (c) the value of the property stolen is less than \$300.

Retail Theft 76-6-602: A person commits the offense of retail theft when he knowingly:

(1) Takes possession of, conceals, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of such merchandise; or

(2) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value of any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the retail value with the intention of depriving the merchant of the retail value of such merchandise; or

(3) Transfers any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the retail value of such merchandise; or

(4) Under-rings with the intention of depriving the merchant of the retail value of the merchandise; or

(5) Removes a shopping cart from the premises of a retail mercantile establishment with the intent of depriving the merchant of the possession, use or benefit of such cart.

**ENHANCEMENT**

76-6-412: Theft is a third degree felony if the actor has been twice before convicted of theft, any robbery, or any burglary with intent to commit theft.

**PENALTIES**

**Minimum / Maximum Sentences**

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,940 fines and surcharges

Third Degree Felony: 0 days to 5 years prison; \$0 to \$9,533 fines and surcharges

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

<p>STATE OF UTAH vs.</p> <p><b>Name:</b> _____</p> <p><b>Date of Birth:</b> _____</p> <p><b>Docket:</b> _____</p> <p><b>Date:</b> _____</p>	<p><b>DRIVING WITH MEASURABLE CONTROLLED SUBSTANCE IN THE BODY NOTIFICATION OF ENHANCEMENT</b></p> <p style="text-align: right; margin-top: 20px;"><b>JUDGE: JERALD L. JENSEN</b></p>
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**ELEMENTS**

41-6a-517(2): In cases not amounting to a violation of Section 41-6a-502 (DUI), a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body. 41-6a-517(4): A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.

Note: 41-6a-517(3): It is an affirmative defense to prosecution under this section that the controlled substance was involuntarily ingested by the accused, prescribed by a practitioner for use by the accused, or otherwise legally ingested.

**ENHANCEMENT / PENALTIES**

41-6a-517(6): For an offense of Driving with a Measurable C/S committed on or after 7/1/09, the DLD shall: (a) if the person is 21 or older at the time of arrest: (i) when there are no prior qualifying convictions within 10 years, suspend the license for 120 days; or (ii) when there is a prior qualifying conviction within 10 years, revoke the license for 2 years; (b) if the person is under 21 at the time of arrest: (i) when there are no prior qualifying convictions within 10 years, suspend the license until the defendant is 21 or for 120 days, whichever is longer; or (ii) when there is a prior qualifying conviction within 10 years, revoke the license until the defendant is 21 or for 2 years, whichever is longer.

41-6a-517(6)(d): For a Driving with a Measurable C/S committed prior to 7/1/09, the DLD shall suspend or revoke the license for the periods in effect prior to 7/1/09 (90-day suspension for a conviction when there are no prior qualifying convictions within 10 years, 1-year revocation for a conviction when there is a prior qualifying conviction within 10 years).

41-6a-517(8): The court shall order supervised probation in accordance with Subsection 41-6a-507 for a person convicted under Subsection (2).

Note: 41-6a-501(2): A driving with measurable controlled substance in the body conviction constitutes a qualifying conviction for DUI enhancement purposes.

See Notification of Enhancement - Class-B-Misdemeanor DUI.

**Minimum / Maximum Sentence**

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,940 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH  
vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**DUI  
CLASS B MISDEMEANOR  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS**

41-6a-502(1): A person may not operate or be in actual physical control of a vehicle within this state if the person: (a) has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test; (b) is under the influence of alcohol, any drug, or the combination thereof, to degree that renders the person incapable of safely operating a vehicle; or (c) has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.

**ENHANCEMENT / PENALTIES**

1<sup>st</sup> Class B Misdemeanor DUI Conviction Within Ten Years 41-6a-503, 505, 518: The court shall order, at a minimum: (a) a jail sentence of 48 consecutive hours, 48 hours compensatory service, or home confinement through the use of electronic monitoring; (b) a screening and an assessment (if it is found appropriate by the screening); (c) an educational series (unless the court orders substance abuse treatment); (d) a \$1370 fine and surcharge; (e) supervised probation if the defendant had a blood alcohol concentration of .16 or higher; and (f) the installation of an ignition interlock device if the defendant was under the age of 21 when the violation occurred (except for violations involving drugs other than alcohol).

2<sup>nd</sup> Class B Misdemeanor DUI Conviction Within Ten Years 41-6a-503, 505, 518: The court shall order, at a minimum: (a) a jail sentence of 240 consecutive hours, 240 hours compensatory service, or home confinement through the use of electronic monitoring; (b) a screening and an assessment (if it is found appropriate by the screening); (c) an educational series (unless the court orders substance abuse treatment); (d) a \$1560 fine and surcharge; and (e) supervised probation.

3<sup>rd</sup> DUI Conviction Within Ten Years 41-6a-503, 505: A 3<sup>rd</sup> DUI conviction within 10 years is a third degree felony. If the court suspends the execution of a prison sentence and places the defendant on probation, the court shall order, at a minimum: (a) a \$2,883 fine and surcharge; (b) a jail sentence of 1,500 hours; (c) a screening and assessment and substance abuse treatment at a program providing intensive care or inpatient treatment and long-term closely supervised follow-through after treatment for not less than 240 hours; and (d) supervised probation.

Note: 41-6a 509(1): (a) For a DUI committed on or after 7/1/09, the DLD shall: (i) if the person is 21 or older at the time of arrest: (A) for a 1<sup>st</sup> DUI, suspend the license for 120 days; and (B) for a 2<sup>nd</sup> or subsequent DUI within 10 years, revoke the license for 2 years; (ii) if the person is under 21 at the time of arrest: (A), (B) for a 1<sup>st</sup> DUI, suspend the license until the defendant is 21 or for 120 days, whichever is longer, and, if no license, deny the application for a license or learner's permit until the defendant is 21 or for 120 days, whichever is longer; (C), (D) for a 2<sup>nd</sup> or subsequent DUI within 10 years, revoke the license until the defendant is 21 or for 2 years, whichever is longer, and, if no license, deny the application for a license or learner's permit until the defendant is 21 or for 2 years, whichever is longer. (b) For a DUI committed prior to 7/1/09, the DLD shall suspend the license for the suspension periods in effect prior to 7/1/09 (90-day suspension for 1<sup>st</sup> DUI, 1-year revocation for 2<sup>nd</sup> or subsequent DUI within 10 years).

Note: 41-6a-529: A DUI conviction will result in the defendant being classified as an alcohol-restricted driver for the periods prescribed in this section. It is a class B misdemeanor for an alcohol-restricted driver to operate or be in actual physical control of a motor vehicle in this state with any measurable or detectable amount of alcohol in the person's body.

**Minimum / Maximum Sentences**

Class B Misdemeanor: 0 days to 6 months jail; Amounts listed above to \$1,940 fines and surcharges, plus interest  
Third Degree Felony: 1,500 hours jail to 5 years prison; \$2883 to \$9,533 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH  
vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**FAILURE TO STOP AT  
PORT-OF-ENTRY  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS**

72-9-502: (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross vehicle weight of 10,001 pounds or more or any motor vehicle carrying livestock as defined in Section 4-24-2 shall stop at a port-of-entry as required under this section.

Note: 72-9-502(2): The department may erect and maintain signs directing motor vehicles to a port-of-entry as provided in this section.

Note: 72-9-502(3): A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt from this section if: (a) the total one-way trip distance for the motor vehicle would be increased by more than 5% or three miles, whichever is greater if diverted to a port-of-entry; or (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit issued under Subsection (4).

Note: 72-9-502(4): (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules for the issuance of a temporary port-of-entry by-pass permit exempting a motor vehicle from the provisions of Subsection (1) if the department determines that the permit is needed to accommodate highway transportation needs due to multiple daily or weekly trips in the proximity of a port-of-entry. (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a motor carrier for multiple motor vehicles.

**ENHANCEMENT**

72-9-701: Failure to Stop at a Port of Entry is a class B misdemeanor for a first offense and a class A misdemeanor for a second and subsequent offense

**PENALTIES**

Minimum / Maximum Sentences

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,000 fines and surcharges, plus interest

Class A Misdemeanor: 0 days to 1 year jail; \$0 to \$2,500 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH

vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**FAILURE TO SECURE LOAD  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS / ENHANCEMENT / PENALTIES**

72-7-409. Loads on vehicles -- Limitations -- Confining, securing, and fastening load required -- Penalty.

(1) As used in this section: (a) "Agricultural product" means any raw product which is derived from agriculture, including silage, hay, straw, grain, manure, and other similar product. (b) "Vehicle" has the same meaning set forth in Section 41-1a-102.

(2) A vehicle may not be operated or moved on any highway unless the vehicle is constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

(3) (a) In addition to the requirements under Subsection (2), a vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal shall have a covering over the entire load unless: (i) the highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle; and (ii) the outer edges of the load are at least six inches below the top inside edges of the exterior walls or sideboards of the cargo compartment of the vehicle. (b) In addition to the requirements under Subsection (2), a vehicle carrying trash or garbage shall have a covering over the entire load. (c) The following material is exempt from the provisions of Subsection (3)(a): (i) hot mix asphalt; (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form not susceptible to being blown out of the vehicle; (iii) material being transported across a highway between two parcels of property that would be contiguous but for the highway that is being crossed; and (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers, bags, or packaging. (d) A chemical substance capable of coating or bonding a load so that the load is confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long as the chemical substance remains effective at confining the load.

(4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry carrying an agricultural product, if the agricultural product is: (a) being transported in a manner which is not a hazard or a potential hazard to the safe operation of the vehicle or to other highway users; and (b) loaded in a manner that only allows minimal spillage.

(5) (a) An authorized vehicle performing snow removal services on a highway is exempt from the requirements of this section. (b) This section does not prohibit the necessary spreading of any substance connected with highway maintenance, construction, securing traction, or snow removal.

(6) A person may not operate a vehicle with a load on any highway unless the load and any load covering is fastened, secured, and confined to prevent the covering or load from becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to other highway users.

(7) Before entering a highway, the operator of a vehicle carrying any material listed under Subsection (3), shall remove all loose material on any portion of the vehicle not designed to carry the material.

(8) (a) Any person who violates this section is guilty of a class B misdemeanor. (b) A person who violates a provision of this section shall be fined not less than: (i) \$230 for a violation; or (ii) \$515.00 for a second or subsequent violation within three years of a previous violation of this section. (c) A person who violates a provision of this section while operating a commercial vehicle as defined in Section 72-9-102 shall be fined: (i) not less than \$515.00 for a violation; or (ii) \$990 for a second or subsequent violation within three years of a previous violation of this section.

**Minimum / Maximum Sentence**

Class B Misdemeanor: 0 days to 6 months jail; Amounts listed above to \$1,940 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature



**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH

vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**IMPAIRED DRIVING  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**IMPAIRED DRIVING CONVICTION**

41-6a-502.5(1): With the agreement of the prosecutor, a plea to a class B misdemeanor charge of Driving under the Influence of Alcohol and/or Drugs committed on or after 7/1/08 may be entered as a conviction of Impaired Driving under 41-6a-502.5, if: (a) the defendant completes court ordered probation requirements; or (b) the prosecutor agrees as part of a negotiated plea and the court finds the plea to be in the interest of justice.

41-6a-502.5(2): A conviction of Impaired Driving under 41-6a 502.5 is a class B misdemeanor.

**ENHANCEMENT / PENALTIES**

1st or 2nd Impaired Driving Conviction 41-6a-502.5(6)(a): The court shall order: (a) a screening and an assessment (if it is found appropriate by the screening); and (b) an educational series (unless the court orders substance abuse treatment).

3rd or Subsequent Impaired Driving Conviction 41-6a-502.5(6)(b): The court shall order a screening and assessment and substance abuse treatment at a program providing intensive care or inpatient treatment and long-term closely supervised follow-through after treatment for not less than 240 hours.

Note: 41-6a-501(2)(a): An Impaired Driving Conviction is, by statute, considered to be a "prior conviction" under the DUI laws concerning second, third or subsequent convictions.

Note: 41-6a-529: A DUI conviction will result in the defendant being classified as an alcohol-restricted driver for the periods prescribed in this section. It is a class B misdemeanor for an alcohol-restricted driver to operate or be in actual physical control of a motor vehicle in this state with any measurable or detectable amount of alcohol in the person's body.

**Minimum / Maximum Sentence**

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,940 in fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

<p>STATE OF UTAH vs.</p> <p>Name: _____</p> <p>Date of Birth: _____</p> <p>Docket: _____</p> <p>Date: _____</p>	<p><b>NO INSURANCE OR NO PROOF OF INSURANCE NOTIFICATION OF ENHANCEMENT</b></p> <p>JUDGE: JERALD L. JENSEN</p>
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**ELEMENTS**

**No Insurance** 41-12a-302: Any owner of a motor vehicle on which insurance is required who operates his or her vehicle or permits it to be operated on a highway in this state without insurance is guilty of a class B misdemeanor. Any other person who operates a motor vehicle upon a highway in Utah with the knowledge that the owner does not have insurance in effect for the motor vehicle is guilty of a class B misdemeanor, unless that person has insurance on a Utah-registered motor vehicle or its equivalent that covers the operation, by the person, of the motor vehicle in question.

Note: 41-12a-301(5): Owner's or operator's security is not required for any of the following: (a) properly-registered off-highway vehicles when operated on legally-designated roads or in a legally-designated manner; (b) off-highway implements of husbandry operated in a legally-designated manner; (c) electric-assisted bicycles, motor-assisted scooters, and personal-motorized-mobility devices (as defined under Section 41-6a-102).

**No Proof of Insurance** 41-12a-303.2(2)(a)(i): A person operating a motor vehicle shall: (A) have in the person's immediate possession evidence of owner's or operator's security for the motor vehicle the person is operating; and (B) display it upon demand of a peace officer. 41-12a-303.2(5): A violation of this section is a class B misdemeanor.

Note: 41-12a-303.2(2)(a)(ii): A person is exempt from the requirements of Subsection (2)(a)(i) if the person is operating: (A) a government-owned or leased motor vehicle; or (B) an employer-owned or leased motor vehicle and is driving it with the employer's permission.

Note: 41-12a-303.2(3): It is an affirmative defense to a charge under this section that the person had owner's or operator's security in effect for the vehicle the person was operating at the time of the person's citation or arrest.

**ENHANCEMENT / PENALTIES**

41-12a-302(1): For a conviction of No Insurance or No Proof of Insurance, the fine shall be not less than: (a) \$400 for a first offense; and (b) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.

41-12a-604: For a conviction of No Insurance or No Proof of Insurance, the defendant's operator's license shall be suspended by the Department of Public Safety.

**Minimum / Maximum Sentence**

Class B Misdemeanor: 0 days to 6 months jail; Amounts listed above to \$1,000 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH

vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**LEWDNESS  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS**

76-9-702(1): A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, aggravated sexual assault, or an attempt to commit any of these offenses, performs any of the following acts in a public place or under circumstances which the person should know will likely cause affront or alarm to, on, or in the presence of another who is 14 years of age or older: (a) an act of sexual intercourse or sodomy; (b) exposes his or her genitals, the female breast below the top of the areola, the buttocks, the anus, or the pubic area; (c) masturbates; or (d) any other act of lewdness.

76-9-702(7): A woman's breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute a lewd act, irrespective of whether or not the breast is covered during or incidental to feeding.

**ENHANCEMENT / PENALTIES**

76-9-702(2)(a): A person convicted the first or second time of a violation of Subsection (1) is guilty of a class B misdemeanor, except under Subsection (2)(b).

76-9-702(2)(b): A person convicted of a violation of Subsection (1) is guilty of a third degree felony if at the time of the violation: (i) the person is a sex offender as defined in Section 77-27-21.7; (ii) the person has been previously convicted two or more times of violating Subsection (1); or (iii) the person has previously been convicted of a violation of Subsection (1) and has also previously been convicted of a violation of Section 76-9-702.5 (lewdness involving a child).

**Minimum / Maximum Sentences**

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,940 fines and surcharges, plus interest

Third Degree Felony: 0 days to 5 years prison; \$0 to \$9,533 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH  
vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**LITTERING ON PUBLIC  
ROADS OR HIGHWAYS  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS**

41-6a-1712. Destructive or injurious materials on highways -- Throwing lighted material from moving vehicle -- Enforcement officers.

(1) A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any public road or highway in the state, whether under state, county, municipal, or federal ownership, any plastic container, glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could: (a) create a safety or health hazard on the public road or highway; or (b) mar or impair the scenic aspect or beauty of the public road or highway.

(2) A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any public road or highway any destructive, injurious, or unsightly material shall: (a) immediately remove the material or cause it to be removed; and (b) deposit the material in a receptacle designed to receive the material.

(3) A person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public roadways or highways.

(4) A person removing a wrecked or damaged vehicle from a public road or highway shall remove any glass or other injurious substance dropped from the vehicle on the road or highway.

(5) A person may not throw any lighted material from a moving vehicle.

(6) Except as provided in Section 72-7-409, any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.

**ENHANCEMENT / PENALTIES**

41-6a-1713. Penalty for littering on a highway.

(1) A person who violates any of the provisions of Section 41-6a-1712 is guilty of a class C misdemeanor and shall be fined (a) not less than \$175 for a violation; or (b) not less than \$377.50 for a second or subsequent violation within three years of a previous violation of this section.

**Minimum / Maximum Sentence**

Class C Misdemeanor: 0 days to 90 days jail; Amounts listed above to \$1052.50 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH  
vs.

**Name:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

**Docket:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**POSSESSION OF MARIJUANA  
(LESS THAN ONE OUNCE)  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS**

58-37-8(2)(a)(i): It is unlawful for any person knowingly and intentionally to possess or use marijuana.

**ENHANCEMENT / PENALTIES**

58-37-8(2)(d): Knowingly and intentionally possessing or using less than one ounce of marijuana is a class B misdemeanor for a first conviction, a class A misdemeanor for a second conviction, and a third degree felony for a third conviction.

53-3-220: The Driver License Division shall immediately suspend for six months the driver license of a person convicted of possessing marijuana.

**Minimum / Maximum Sentences**

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,940 fines and surcharges, plus interest

Class A Misdemeanor: 0 days to 1 year jail; \$0 to \$4,783 fines and surcharges, plus interest

Third Degree Felony: 0 days to 5 years prison; \$0 to \$9,533 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH  
vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**MINOR INTOXICATION  
VIOLATION 76-9-701  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS**

76-9-701(1): 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 or in a private place where the person unreasonably disturbs other persons.

**ENHANCEMENT / PENALTIES**

76-9-701(4)(a): When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated this section, the court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

53-3-219(1): The Utah Drivers License Division shall immediately suspend all driving privileges or, if the person has not been issued an operator license, deny the person's application for a license or learner's permit, of any person upon receipt of an order suspending driving privileges under Section 76-9-701: (a) for one year on the first order suspending a person's driving privileges; (b) for two years on a second or subsequent order suspending a person's driving privileges.

76-9-701(3)(a): If a minor is found by a court to have violated this section and the violation is the minor's second or subsequent violation of this section, the court shall order the minor to participate in an educational series as defined in Section 41-6a-501.

41-6a-501(1)(d): "Educational series" means an educational series obtained at a substance abuse program that is approved by the Board of Substance Abuse and Mental Health.

76-9-701(7): An offense under this section is a class C misdemeanor.

**Minimum / Maximum Sentence**

Class C Misdemeanor: 0 to 90 days jail; \$0 to \$1,052.50 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

STATE OF UTAH

vs.

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Docket: \_\_\_\_\_

Date: \_\_\_\_\_

**MINOR ALCOHOL  
VIOLATIONS  
NOTIFICATION OF ENHANCEMENT**

JUDGE: JERALD L. JENSEN

**ELEMENTS**

32A-12-209(1): Unless specifically authorized by this title, it is unlawful for any minor to: (a) purchase any alcoholic beverage or product; (b) attempt to purchase any alcoholic beverage or product; (c) solicit another person to purchase any alcoholic beverage or product; (d) possess any alcoholic beverage or product; (e) consume any alcoholic beverage or product; or (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

32A-12-209(2): It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic beverage or product for a minor for: (a) a minor to misrepresent the minor's age; or (b) any other person to misrepresent the age of a minor.

32A-12-209(3): It is unlawful for a minor to possess or consume any alcoholic beverage while riding in a limousine or chartered bus.

32A-12-209(9): This section does not apply to a minor's consumption of an alcoholic beverage or product in accordance with this title: (a) for medicinal purposes if: (i) the minor is at least 18 years old; or (ii) the alcoholic beverage or product is furnished by: (A) the parent or guardian of the minor; or (B) the minor's physician or dentist; or (b) as part of a church's or religious organization's religious services.

32A-1-105(37): "Minor" means an individual under the age of 21 years.

**ENHANCEMENT / PENALTIES**

32A-12-209(5)(a): When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated this section, except as provided in Section 32A-12-223 (minor's unlawful use of proof of age), the court hearing the case shall suspend the minor's driving privileges under Section 53-3-219.

53-3-219(1): The Utah Drivers License Division shall immediately suspend all driving privileges or, if the person has not been issued an operator license, deny the person's application for a license or learner's permit, of any person upon receipt of an order suspending driving privileges under Section 32A-12-209: (a) for one year on the first order suspending a person's driving privileges; (b) for two years on a second or subsequent order suspending a person's driving privileges.

32A-12-209(4)(a): If a minor is found by a court to have violated this section and the violation is the minor's second or subsequent violation of this section, the court shall order the minor to participate in an educational series as defined in Section 41-6a-501.

41-6a-501(1)(d): "Educational series" means an educational series obtained at a substance abuse program that is approved by the Board of Substance Abuse and Mental Health.

32A-12-104: Unless otherwise provided in this title, a person is guilty of a class B misdemeanor if that person violates chapter 12, title 32A.

**Minimum / Maximum Sentence**

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,940 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature

Note: This form is not intended to cover violations or penalties for violations of Section 32A-12-223 (minor's unlawful use of proof of age).

**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

<p>STATE OF UTAH vs.</p> <p><b>Name:</b> _____</p> <p><b>Date of Birth:</b> _____</p> <p><b>Docket:</b> _____</p> <p><b>Date:</b> _____</p>	<p style="text-align: center;">PROVIDING TOBACCO TO MINORS NOTIFICATION OF ENHANCEMENT</p>  <p style="text-align: center;">JUDGE: JERALD L. JENSEN</p>
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**ELEMENTS / ENHANCEMENT / PENALTIES**

76-10-104(1): Any person who knowingly, intentionally, recklessly, or with criminal negligence provides any cigar, cigarette, or tobacco in any form, to any person under 19 years of age, is guilty of a class C misdemeanor on the first offense, a class B misdemeanor on the second offense, and a class A misdemeanor on subsequent offenses. (2) For purposes of this section "provides": (a) includes selling, giving, furnishing, sending, or causing to be sent; and (b) does not include the acts of the United States Postal Service or other common carrier when engaged in the business of transporting and delivering packages for others or the acts of a person, whether compensated or not, who transports or delivers a package for another person without any reason to know of the package's content.

**Minimum / Maximum Sentences**

Class C Misdemeanor: 0 days to 90 days jail; \$0 to \$1,052.50 fines and surcharges

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,940 fines and surcharges

Class A Misdemeanor: 0 days to 1 year jail; \$0 to \$4,783 fines and surcharges

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature



**IN THE DAVIS COUNTY JUSTICE COURT  
STATE OF UTAH**

<p>STATE OF UTAH vs.</p> <p><b>Name:</b> _____</p> <p><b>Date of Birth:</b> _____</p> <p><b>Docket:</b> _____</p> <p><b>Date:</b> _____</p>	<p style="text-align: center;"><b>SPEEDING IN A SCHOOL ZONE NOTIFICATION OF ENHANCEMENT</b></p>   <p style="text-align: center;">JUDGE: JERALD L. JENSEN</p>
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**ELEMENTS**

41-6a-604: (1) A person may not operate a vehicle at a speed greater than 20 miles per hour in a reduced speed school zone as defined in Section 41-6a-303. (2)(a) A violation of this section is a class C misdemeanor.

Note: 41-6a-303: "Reduced speed school zone" means a designated length of a highway extending from a school zone speed limit sign while the warning lights are operating to an end school zone sign.

**ENHANCEMENT / PENALTIES**

41-6a-604(2)(a): The minimum fine shall be calculated according to the following schedule:

<u>Vehicle Speed</u>	<u>Minimum Fine - 1<sup>st</sup> Offense</u>	<u>Minimum Fine - 2<sup>nd</sup> and Subsequent Offense</u>
21 - 29 MPH	\$107.50	\$107.50
30 - 39 MPH	\$208.75	\$343.75
40 MPH and greater	\$411.25	\$748.75

41-6a-604(2)(b): (i) On a 1<sup>st</sup> offense, the court may order the person to perform compensatory service in lieu of the fine or any portion of the fine. (ii) The court shall order the person to perform compensatory service observing a crossing guard if the conviction is for a: (A) first offense with a vehicle speed of 30 miles per hour or more; or (B) second and subsequent offense within three years of a previous conviction or bail forfeiture. (iii) The court may waive the compensatory service required under Subsection (2)(b)(ii) if the court makes the reasons for the waiver part of the record.

**Minimum / Maximum Sentence**

Class C Misdemeanor: 0 days to 90 days jail; Amounts listed above to \$1,052.50 fines and surcharges, plus interest

*I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.*

\_\_\_\_\_  
Defendant Signature