

NOTIFICATION OF ENHANCEMENT – MINOR ALCOHOL VIOLATIONS – 32B-4-409

Defendant: _____, Case No. _____

ELEMENTS

32B-4-409(1): Unless specifically authorized by this title, it is unlawful for any minor to: (a) purchase an alcoholic product; (b) attempt to purchase an alcoholic product; (c) solicit another person to purchase an alcoholic product; (d) possess an alcoholic product; (e) consume an alcoholic product; or (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

32B-4-409(2): It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic product for: (a) a minor to misrepresent the minor's age; or (b) any other person to misrepresent the age of a minor.

32B-4-409(3): It is unlawful for a minor to possess or consume an alcoholic product while riding in a limousine or chartered bus.

32B-4-409(9): This section does not apply to a minor's consumption of an alcoholic product in accordance with this title: (a) for medicinal purposes if: (i) the minor is at least 18 years old; or (ii) the alcoholic product is furnished by: (A) the parent or guardian of the minor; or (B) the minor's health care practitioner, if the health care practitioner is authorized by law to write a prescription; or (b) as part of a religious organization's religious services.

32B-1-102(66): "Minor" means an individual under the age of 21 years.

ENHANCEMENT / PENALTIES

32B-4-409(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 32B-4-411 (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 32B-4-409: (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.

32B-4-409(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.

32B-4-304: Unless otherwise provided in this title, a person is guilty of a class B misdemeanor if that person violates chapter 4, title 32B.

Minimum / Maximum Sentence

Class B Misdemeanor: 0 days to 6 months jail; \$0 to \$1,950 fines and surcharges, plus interest

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

Date

Defendant