

## **CR1012 Interlock Restricted Driver Violation**

(DEFENDANT'S NAME) is charged [in Count \_\_\_\_] with committing an interlock restricted driver violation [on or about (DATE)]. You cannot convict [him] [her] of this offense unless, based on the evidence, you find beyond a reasonable doubt each of the following elements:

1. (DEFENDANT'S NAME)
  - a. Was an interlock restricted driver [under one or more of the following circumstances:]
    - i. [insert all applicable circumstances supporting Interlock Restricted Driver status]; and
2. (DEFENDANT'S NAME):
  - a. Operated or was in actual physical control of a vehicle without an ignition interlock system; [and]
  - b. [The affirmative defense of operating a vehicle in the scope of employment, as defined in Instruction \_\_\_\_, does not apply.]

After you carefully consider all the evidence in this case, if you are convinced that each and every element has been proven beyond a reasonable doubt, then you must find the defendant GUILTY. On the other hand, if you are not convinced that each and every element has been proven beyond a reasonable doubt, then you must find the defendant NOT GUILTY.

### **References:**

Utah Code section 41-6a-518.2

### **Committee Note:**

For the definition of “actual physical control” see CR1002. Practitioners may also include instructions defining “vehicle” pursuant to Utah Code section 41-6a-102(90).

Whether a person is an interlock restricted driver is governed by Utah Code section 41-6a-518.2(b)(i)–(ii). The statute includes definitions, as well as a number of variants and affirmative defenses.