

UTAH JUDICIAL COUNCIL
STANDING COMMITTEE ON MODEL UTAH CRIMINAL JURY INSTRUCTIONS
MEETING AGENDA

February 4, 2026 – 12:00 p.m. to 1:30 p.m.

Via [Webex](#)

12:00	Welcome and Announcements (Introductions to New Member, Judge Mark Flores, and New Staff, Alex Jacobson)			Judge Welch
	Approval of January Minutes	Tab 1		Judge Welch
	Linguistics and Law Group			Jesse Egbert
	Review DUI Roadmap (CR1014 & CR1015)	Tab 2		Judge Welch
	Proposed CR1010: Refusing a Chemical Test or Blood Draw	Tab 3		McKay Lewis
	Proposed CR1010A(???: Definition of DUI Admonition	Tab 4		McKay Lewis
	Proposed CR1011: Refusal as Evidence of Consciousness of Guilt	Tab 5		McKay Lewis
1:30	Adjourn			

COMMITTEE WEB PAGE: <https://www.utcourts.gov/utc/muji-criminal/>

UPCOMING MEETING SCHEDULE:

Meetings are held via Webex on the first Wednesday of each month from 12:00 noon to 1:30 p.m. (unless otherwise specifically noted):

March 4, 2026

April 1, 2026

May 6, 2026

June 3, 2026

July 1, 2026

August 5, 2026

September 2, 2026

October – No Meeting

November 4, 2026

December 2, 2026

TAB 1

UTAH JUDICIAL COUNCIL
STANDING COMMITTEE ON MODEL UTAH CRIMINAL JURY INSTRUCTIONS
MEETING MINUTES

Via Webex
January 7, 2026 – 12:00 p.m. to 1:30 p.m.

Committee Members	Role	Present	Excused	Guests
Hon. Teresa Welch	District Court Judge [Chair]	•		
	Justice Court Judge (Vacancy)			
Hon. Matthew Bates	District Court Judge		•	
Hon. Linda Jones	Emeritus District Court Judge		•	
Dr. Jay Jordan	Linguist/Communications Professor		•	
Janet Lawrence	Defense Attorney		•	
McKay Lewis	Prosecutor	•		
Jeffrey Mann	Prosecutor	•		
Breanne Miller	Prosecutor	•		
Nic Mills	Prosecutor	•		
Lacey Singleton	Defense Attorney	•		
Shannon Woulfe	Defense Attorney		•	
Dallas Young	Defense Attorney	•		
Jace Willard	Staff	•		

(1) WELCOME AND ANNOUNCEMENTS

Judge Welch welcomed the Committee and Dallas Young as a new Committee member. Mr. Young introduced himself to the Committee and all other present members likewise introduced themselves.

(2) APPROVAL OF OCTOBER 2025 MINUTES

Judge Welch invited a motion to approve the October meeting minutes. McKay Lewis moved to approve the minutes and Jeff Mann seconded the motion. Without objection the motion carried and the minutes were approved.

(3) AGENDA ITEM 3: DUI ROADMAP REVIEW

Judge Welch reviewed the Roadmap of DUI Series Instructions and invited the Committee members to consider whether they are available to take the lead on any of the unassigned instructions.

(4) AGENDA ITEM 4: PUBLIC COMMENTS TO CR1012 – INTERLOCK RESTRICTED DRIVER VIOLATION AND SVF1450 – IMPERFECT SELF-DEFENSE; ADDITIONAL PROPOSED AMENDMENTS OF CR1402, CR1403, CR1411, CR1451

The Committee next considered public comments received regarding recently added CR1012 - Interlock Restricted Driver Violation and amendments to SVF 1450 - Imperfect Self Defense. No comments were received as to CR1012. But proposed amendments to the SVF 1450 committee notes, and related instructions, were submitted by Jeff Mann from a colleague at the Attorney General's Office. Jeff explained the proposed redline changes to SVF1450 clarify relevant points and do's and don'ts when imperfect self-defense is submitted to the jury. He then moved that the proposed changes be adopted. McKay Lewis seconded. No objection having been raised, the motion carried. Revised SVF1450 will be published and sent out for comment.

It was proposed that similar amendments be made as to the committee notes in CR1402, CR1403, CR1411, and CR1451. McKay moved to adopt such as to CR1402. Breanne Miller seconded. The motion carried. Revised CR1402 will be published and sent out for comment.

McKay moved to adopt similar amendments as to CR1403. Nic Mills seconded. The motion carried. Revised CR1403 will be published and sent out for comment.

McKay moved to adopt similar amendments as to CR1411 as well. Dallas seconded. The motion carried. Revised CR1411 will be published and sent out for comment.

Lastly, McKay moved to adopt similar amendments as to CR1451. Jeff seconded. The motion carried. Revised CR1451 will be published and sent out for comment.

(5) AGENDA ITEM 6: SPECIAL VERDICT FORM ISSUES

Judge Welch noted that a request was submitted to the Committee for a lesser-included offense verdict form. The request indicated that an issue had arisen during trial "as to how the 'guilty' and 'not guilty' boxes for each offense should be structured." Breanne commented that, in her experience, judges will often grant a request by the defense to reverse the order of the boxes, so that the "not guilty" option appears first. In her opinion,

there's no basis for such a reversal. Dallas suggested that the issue would arise in the context of a general verdict form and that the presumption of innocence may support the "not guilty" box being presented first. Breanne said there would be no harm in drafting a general verdict form and a lesser-included verdict form. Dallas agreed but didn't see real value in such forms, and suggested the Committee's resources might be better spent elsewhere. Judge Welch called for a vote. Breanne supported creating a draft. The other members present voted against it. Jace will notify the requester that the Committee determined not to pursue the proposal, and will point the requester to available special verdict forms.

(6) AGENDA ITEM 5: PROPOSED CR541 & CR542 – IGNORANCE OR MISTAKE OF FACT / LAW

Judge Welch turned to draft instructions CR541 and CR542, for ignorance or mistake of fact / law, drafted by Freyja Johnson prior to completing her service on the Committee. Breanne moved to approve the proposed changes. McKay seconded. The motion carried. Amended CR541 and CR542 will be published and go out for public comment.

(7) AGENDA ITEMS 7 - 9: PROPOSED CR1010, CR1010A & CR1011 – REFUSING A CHEMICAL TEST, DEFINITION OF DUI ADMONITION, REFUSAL AS EVIDENCE OF CONSCIOUSNESS OF GUILT

Judge Welch advised that the proposed instructions McKay has put together as to refusing a chemical test, the definition of a DUI admonition, and refusal as evidence of consciousness of guilt will be first on the agenda for the February meeting.

(8) ADJOURN

The meeting adjourned at approximately 1:30 p.m.

TAB 2

Roadmap of DUI Series Instructions as of 1/7/26

Category 1 = Instruction exists and no amendments necessary

Category 2 = Instruction exists and amendments necessary

Category 3 = Instruction does exist, but instruction awaiting publication

Category 4 = Instruction does not exist

Proposed Order of DUI Instructions CR1000 Series:

CR1000 – DUI Instructions (Category 1)

CR1001 – Preamble to Driving Under the Influence Instructions (Category 1)

CR1002 – Actual Physical Control (Category 1)

CR1003 – **Simple Driving Under the Influence Instruction** (Category 2) ([Nic Mills](#))

CR1004 – **Enhanced Driving Under the Influence Instruction** (Category 2) ([Nic Mills](#))

CR1005 – **Driving Under the Influence of Alcohol, Drugs, or Combination/Extreme DUI** (Category 2) ([Nic Mills](#))

CR1006 – Automobile Homicide (Category 1)

CR1007 – *No instruction (status is reserved on website)*

CR1008 – Driving with a Measurable Controlled Substance (Category 1)

CR1009 – Negligently Operating a Vehicle Resulting in Injury (Category 1)

CR1010 – Refusing a Chemical Test or Blood Draw ([McKay Lewis](#)) (Category 4)

CR1011 – Refusal as Evidence of Consciousness of Guilt ([McKay Lewis](#)) (Category 4)

CR1012 – Ignition Interlock (J. Bates) (Category 1)

CR1013 – Driving with Alcohol in Your System as an Alcohol Restricted Driver/Alcohol Restricted Driver ([Breanne Miller](#)) (Category 1)

CR1014 – Alcohol Restricted Driver - Defined ([Janet Lawrence](#)) (Category 4)

CR1015 – Driving a Motor Vehicle Under the Influence of Alcohol or Drugs When the Driving Privilege Has Been Suspended, Disqualified, or Revoked ([Janet Lawrence](#)) (Category 4)

Roadmap of DUI Series Instructions as of 1/7/26

CR1016 – Drinking an Alcohol Beverage While Operating a Motor Vehicle (Category 1)

CR1017 – Open Container in a Motor Vehicle (Category 1)

CR1017A – Definition of Passenger Compartment (Category 1)

Proposed DUI Special Verdict Forms

SVF1001 – Driving Under the Influence [Will Revise] (Nic Mills)

Placeholders:

CR??? 41-6a-504. Defense not available for driving under the influence violation.

The fact that a person charged with violating Section [41-6a-502](#) is or has been legally entitled to use alcohol or a drug is not a defense against any charge of violating Section [41-6a-502](#). [\(Nic Mills\)](#)

CR??? 41-6a-526. Drinking alcoholic beverage and open containers in motor vehicle prohibited -- Definitions -- Exceptions. [\(Nic Mills\)](#)

CR??? 41-6a-518.1. Tampering with an ignition interlock system. [\(J. Bates\)](#)

Other Assignments:

CR??? Burglary [\(McKay Lewis\)](#) (Category 4)

CR??? Aggravated Burglary [\(McKay Lewis\)](#) (Category 4)

CR1320: Aggravated Assault [\(Breanne Miller\)](#) (Category 2)

TAB 3

CR1010: Refusing a Chemical Test

(DEFENDANT'S NAME) is charged [in Count ____] with committing Refusing a Chemical Test [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];
2. Was issued the DUI Admonition;
3. A court issued a warrant to draw and test [his] [her] blood; and
4. [DEFENDANT] nonetheless refused to submit to a test of [his] [her] blood.

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 Ann. § 41-6a-520.1
- Utah Code Ann. § 41-6a-520(2)(a)

Committee Notes:

This instruction is intended to be used in prosecuting the crime of Refusing a Chemical Test. Whether that offense constitutes a Class B Misdemeanor, a Class A Misdemeanor, or a Third-Degree Felony depends on various factors. See Utah Code Ann. § 41-6a-520.1(2)(a)–(c). Practitioners should adjust this instruction accordingly. Similar to the offense of Driving Under the Influence, Refusing a Chemical Test is a strict liability offense. See Utah Code Ann. § 76-2-101(2) (no mental state generally required for traffic offenses). An element of this crime is that the defendant was issued “the warning required in Subsection 41-6a-520(2)(a).” See Utah Code Ann. § 41-6a-520.1(1)(a). The committee has chosen to use the phrase “DUI Admonition” as shorthand to refer to this warning. The committee believes that including the entirety of the DUI Admonition in the elements of the crime would render this instruction unwieldy. As such, the committee suggests also giving CR____, which defines the content of the DUI Admonition.

West's Utah Code Annotated

Title 41. Motor Vehicles

Chapter 6A. Traffic Code (Refs & Annos)

Part 5. Driving Under the Influence and Reckless Driving

U.C.A. 1953 § 41-6a-520.1

§ 41-6a-520.1. Refusing a chemical test

Currentness

(1) An actor commits refusing a chemical test if:

(a) a peace officer issues the warning required in [Subsection 41-6a-520\(2\)\(a\)](#);

(b) a court issues a warrant to draw and test the blood; and

(c) after Subsections (1)(a) and (b), the actor refuses to submit to a test of the actor's blood.

(2)(a) A violation of Subsection (1) is a class B misdemeanor.

(b) Notwithstanding Subsection (2)(a), a violation of Subsection (1) is a class A misdemeanor if the actor:

(i) has a passenger younger than 16 years old in the vehicle at the time the officer had grounds to believe the actor was driving under the influence;

(ii) is 21 years old or older and has a passenger younger than 18 years old in the vehicle at the time the officer had grounds to believe the actor was driving under the influence;

(iii) also violated [Section 41-6a-712](#) or [41-6a-714](#) at the time of the offense; or

(iv) has one prior conviction within 10 years of:

(A) the current conviction under Subsection (1); or

(B) the commission of the offense upon which the current conviction is based.

(c) Notwithstanding Subsection (2)(a), a violation of Subsection (1) is a third degree felony if:

(i) the actor has two or more prior convictions, each of which is within 10 years of:

(A) the current conviction; or

(B) the commission of the offense upon which the current conviction is based; or

(ii) the current conviction is at any time after:

(A) a felony conviction; or

(B) any conviction described in Subsection (2)(c)(ii)(A) for which judgment of conviction is reduced under [Section 76-3-402](#).

(3) As part of any sentence for a conviction of violating this section, the court shall impose the same sentencing as outlined for driving under the influence violations in [Section 41-6a-505](#), based on whether this is a first, second, or subsequent conviction, with the following modifications:

(a) any jail sentence shall be 24 consecutive hours more than is required under [Section 41-6a-505](#);

(b) any fine imposed shall be \$100 more than is required under [Section 41-6a-505](#); and

(c) the court shall order one or more of the following:

(i) the installation of an ignition interlock system as a condition of probation for the individual, in accordance with [Section 41-6a-518](#);

(ii) the imposition of an ankle attached continuous transdermal alcohol monitoring device as a condition of probation for the individual; or

(iii) the imposition of home confinement through the use of electronic monitoring, in accordance with [Section 41-6a-506](#).

(4)(a) The offense of refusing a chemical test under this section does not merge with any violation of [Section 32B-4-409](#), [41-6a-502](#), [41-6a-517](#), or [41-6a-530](#).

(b) In accordance with [Subsection 77-2a-3\(8\)](#), a guilty or no contest plea to an offense of refusal to submit to a chemical test under this section may not be held in abeyance.

(5) An actor is guilty of a separate offense under Subsection (1) for each passenger in the vehicle that is younger than 16 years old at the time the officer had grounds to believe the actor was driving under the influence.

Credits

[Laws 2023, c. 415, § 9, eff. May 3, 2023](#); [Laws 2024, c. 197, § 7, eff. July 1, 2024](#).

U.C.A. 1953 § 41-6a-520.1, UT ST § 41-6a-520.1

Current with laws of the 2025 General Session and Chapters 1 and 2 of the 2025 First Special Session. Some statutes sections may be more current, see credits for details.

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TAB 4

CR1010A(???) Definition of DUI Admonition

Under Utah law, a peace officer requesting a chemical test shall issue the DUI Admonition, which states that refusal to submit to the test or tests may result in criminal prosecution, revocation of the person's license to operate a motor vehicle, a five or 10 year prohibition of driving with any measurable or detectable amount of alcohol in the person's body depending on the person's prior driving history, and a three-year prohibition of driving without an ignition interlock device.

References

- Utah Code Ann. § 41-6a-520(2)(a)

Committee Note

This instruction is intended to be given in conjunction with CR1010 (Refusing a Chemical Test), as it defines the content of the DUI Admonition a peace officer is required to give before a defendant can be charged with Refusing a Chemical Test.

West's Utah Code Annotated

Title 41. Motor Vehicles

Chapter 6A. Traffic Code (Refs & Annos)

Part 5. Driving Under the Influence and Reckless Driving

U.C.A. 1953 § 41-6a-520

§ 41-6a-520. Implied consent to chemical tests for alcohol or drug--Number of tests--Refusal--Warning, report

Currentness

(1)(a) A person operating a motor vehicle in this state is considered to have given the person's consent to a chemical test or tests of the person's breath, blood, urine, or oral fluids for the purpose of determining whether the person was operating or in actual physical control of a motor vehicle while:

(i) having a blood or breath alcohol content statutorily prohibited under [Section 41-6a-502](#), [41-6a-530](#), or [53-3-231](#);

(ii) under the influence of alcohol, any drug, or combination of alcohol and any drug under [Section 41-6a-502](#); or

(iii) having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of [Section 41-6a-517](#).

(b) A test or tests authorized under this Subsection (1) must be administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while in violation of any provision under Subsections (1)(a)(i) through (iii).

(c)(i) The peace officer determines which of the tests are administered and how many of them are administered.

(ii) If a peace officer requests more than one test, refusal by a person to take one or more requested tests, even though the person does submit to any other requested test or tests, is a refusal under this section.

(d)(i) A person who has been requested under this section to submit to a chemical test or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests to be administered.

(ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

(2)(a) A peace officer requesting a test or tests shall warn a person that refusal to submit to the test or tests may result in criminal prosecution, revocation of the person's license to operate a motor vehicle, a five or 10 year prohibition of driving with any

measurable or detectable amount of alcohol in the person's body depending on the person's prior driving history, and a three-year prohibition of driving without an ignition interlock device if the person:

- (i) has been placed under arrest;
- (ii) has then been requested by a peace officer to submit to any one or more of the chemical tests under Subsection (1); and
- (iii) refuses to submit to any chemical test requested.

(b)(i) Following the warning under Subsection (2)(a), if the person does not immediately request that the chemical test or tests as offered by a peace officer be administered, a peace officer shall, on behalf of the Driver License Division and within 24 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle.

(ii) When a peace officer gives the notice on behalf of the Driver License Division, the peace officer shall supply to the operator, in a manner specified by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.

(c) As a matter of procedure, the peace officer shall submit a signed report, within 10 calendar days after the day on which notice is provided under Subsection (2)(b), that:

(i) the peace officer had grounds to believe the arrested person was in violation of any provision under Subsections (1) (a)(i) through (iii); and

(ii) the person had refused to submit to a chemical test or tests under Subsection (1).

(3) Upon the request of the person who was tested, the results of the test or tests shall be made available to the person.

(4)(a) The person to be tested may, at the person's own expense, have a physician or a physician assistant of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.

(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.

(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

(5) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.

(6) Notwithstanding the provisions in this section, a blood test taken under this section is subject to [Section 77-23-213](#).

Credits

Laws 2005, c. 2, § 76, eff. Feb. 2, 2005; Laws 2005, c. 91, § 3, eff. July 1, 2005; Laws 2006, c. 341, § 4, eff. May 1, 2006; Laws 2017, c. 181, § 15, eff. May 9, 2017; Laws 2018, c. 35, § 2, eff. May 8, 2018; Laws 2019, c. 77, § 1, eff. May 14, 2019; Laws 2019, c. 349, § 28, eff. May 14, 2019; Laws 2020, c. 177, § 6, eff. July 1, 2020; Laws 2022, c. 116, § 9, eff. May 4, 2022; Laws 2022, c. 134, § 4, eff. May 4, 2022; Laws 2023, c. 415, § 8, eff. May 3, 2023.

Notes of Decisions (138)

U.C.A. 1953 § 41-6a-520, UT ST § 41-6a-520

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TAB 5

CR1011: Refusal as Evidence of Consciousness of Guilt

Evidence was introduced at trial that [Defendant] refused to submit to a chemical test or tests. This evidence alone is not enough to establish guilt. However, if you believe that evidence, you may consider it along with the rest of the evidence in reaching a verdict. It's up to you to decide how much weight to give that evidence.

References

- Utah Code Ann. § 41-6a-524
- *State v. Van Dyke*, 2009 UT App 369, 223 P.3d 465

West's Utah Code Annotated
Title 41. Motor Vehicles
Chapter 6A. Traffic Code (Refs & Annos)
Part 5. Driving Under the Influence and Reckless Driving

U.C.A. 1953 § 41-6a-524

§ 41-6a-524. Refusal as evidence

Currentness

If a person under arrest refuses to submit to a chemical test or tests or any additional test under [Section 41-6a-520](#), evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while:

(1) under the influence of:

- (a) alcohol;
- (b) any drug; or
- (c) a combination of alcohol and any drug;

(2) having any measurable controlled substance or metabolite of a controlled substance in the person's body; or

(3) having any measurable or detectable amount of alcohol in the person's body if the person is an alcohol restricted driver as defined under [Section 41-6a-529](#).

Credits

Laws 2005, c. 2, § 80, eff. Feb. 2, 2005; Laws 2005, c. 91, § 5, eff. July 1, 2005; Laws 2017, c. 181, § 17, eff. May 9, 2017.

Notes of Decisions (3)

U.C.A. 1953 § 41-6a-524, UT ST § 41-6a-524

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