

SANCTIONS FOR FIRST, SECOND AND THIRD DUI CONVICTIONS

OFFENSE	MIN/MAX JAIL TIME	MANDATORY JAIL NOT SUBJECT TO SUSPENSION	FINE*	ASAP	DL SUSPENSION	RESTRICTED DL	IGNITION INTERLOCK REQUIRED
1st DUI	0 min./1 year max.	None if BAC < .15; ≥ .15 BAC but ≤ .20 BAC – 5 add'l days; > .20 BAC – 10 add'l days	\$250 min. \$2500 max.	Required unless court and VASAP determine treatment inappropriate	12 months by operation of law	May order immediately	Yes, during restricted DL period if BAC ≥ .15. Otherwise, permitted but not required.
2nd DUI within 5 years	30 days min./1 year max.	20 days; ≥ .15 BAC but ≤ .20 BAC – 10 add'l days; > .20 BAC – 20 add'l days	\$500 min. \$2500 max.	Required unless court and VASAP determine treatment inappropriate	3 years by operation of law	After 1 year of suspension	Yes, at least 6 months upon restoration of DL or with a restricted DL during time of suspension
2nd DUI within 5 to 10 years	30 days min./1 year max.	10 days; ≥ .15 BAC but ≤ .20 BAC – 10 add'l days; > .20 BAC – 20 add'l days	\$500 min. \$2500 max.	Required unless court and VASAP determine treatment inappropriate	3 years by operation of law	After 4 months of suspension	Yes, at least 6 months upon restoration of DL or with a restricted DL during time of suspension
3rd+ DUI within 5 years**	1-5 years in prison or up to 12 months in jail plus \$2500 fine	6 Months	\$1000 min. \$2500 max.	No	Indefinite; May petition circuit court after minimum of 5 years	May petition circuit court after minimum of 3 years	Yes, at least 6 months upon restoration of DL or with a restricted DL during time of suspension
3rd+ DUI within 10 years**	1-5 years in prison or up to 12 months in jail plus \$2500 fine	90 days	\$1000 min. \$2500 max.	No	Indefinite; May petition circuit court after minimum of 5 years	May petition circuit court after minimum of 3 years	Yes, at least 6 months upon restoration of DL or with a restricted DL during time of suspension
<p>*The minimum fines are mandatory and may not be suspended. If the person convicted was transporting a person 17 years of age or younger, the person is subject to a further penalty of a fine of \$500 to \$1000 and a mandatory, minimum period of incarceration of 5 days.</p> <p>** A 3rd or subsequent DUI within 10 years is a Class 6 felony and the Commonwealth may seek forfeiture of the offender's vehicle pursuant to § 18.2-270(C)(4).</p>							

Effective July 1, 2004