

## State of Virginia DUI Laws, Sanctions & Information

Offense	Min/Max Jail Time	Mandatory Jail Not Subject to Suspension	Fine* Min/Max	Virginia ASAP	Drivers License Suspension	Restricted Drivers License	Ignition Interlock Required
1st	0 / 1 year	None if BAC<.15†	\$250/\$2500	Required‡	12 months by law	May order immediately	Yes◇
2nd DUI/ 5 years	30 days / 1 year	20 days†	\$500/\$2500	Required‡	3 years by law	After 1 year of suspension	Yes◇◇
2nd DUI/ 5-10 years	30 days / 1 year	10 days†	\$500/\$2500	Required‡	3 years by law	After 4 months of suspension	Yes◇◇
3rd DUI/ 5 years**	1-5 years / up to 12 months plus \$2500 fine	6 months	\$1000/\$2500	No	Indefinite††	Indefinite‡‡	Yes◇◇
3rd DUI/ 10 years**	1-5 years / up to 12 months plus \$2500 fine	90 days	\$1000/\$2500	No	Indefinite††	Indefinite‡‡	Yes◇◇

\* The minimum fines are mandatory and may not be suspended. If the person convicted was transporting a person of 17 years of age or younger, the person is subject to a further penalty of fine of \$500 to \$1000 and a mandatory, minimum period of incarceration of 5 days.

\*\* 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).

† If  $.15 \leq \text{BAC} \leq .20$  then 5 additional days; If  $\text{BAC} > .20$  then 10 additional days

†† May petition circuit court after minimum of 5 years

‡ Unless court and VASAP determine treatment inappropriate

‡‡ May petition circuit court after minimum of 3 years

◇ During restricted DL period if  $\text{BAC} \geq .15$  Otherwise, permitted but not required.

◇◇ At least 6 months upon restoration of license or with a restricted license during time of suspension