



Appendix B: Mandatory Minimum Laws in Virginia

- Offenses with mandatory minimums are also identified in the "MM" column of the VCC Book
- § 16.2-272 - In cases of juveniles convicted of felonies, the court has discretion to depart from mandatory minimums

| <u>Description</u> | <u>VCC</u> | <u>Statute</u> | <u>Penalty (Cat.)</u> | <u>Mandatory</u> |
|---|-------------|--------------------|-----------------------|------------------|
| AGRICULTURE, HORTICULTURE & FOOD | | | | |
| Tobacco Product Manufacturers | | | | |
| Possess, import, etc., cigarettes not in directory, ≥ 3000 pkgs. | AGR-4634-M1 | §3.2-4212(D,ii) | 0-12M | 90 D |
| Sell or distribute cigarettes not in directory, ≥ 3000 pkgs. | AGR-4632-M1 | §3.2-4212(D,i) | 0-12M | 90 D |
| ALCOHOL | | | | |
| Sell | | | | |
| Sale, illegal alcohol - subsequent | ALC-4163-M1 | §4.1-302 | 0-12M | 30 D |
| ASSAULT | | | | |
| Firearm | | | | |
| Firearm use in commission of felony - first offense | ASL-1319-F9 | §18.2-53.1 | 3Y-3Y (II) | 3 Y |
| Firearm use in commission of felony - subsequent offense | ASL-1323-F9 | §18.2-53.1 | 5Y-5Y (II) | 5 Y |
| Law Enforcement, Court, Fire, Medical Services, Etc. | | | | |
| Malicious bodily injury to law enforcement, fire or EMS | ASL-1326-F9 | §18.2-51.1 | 5Y-30Y (II) | 2 Y |
| Non-malicious injury to law enforcement, fire/EMS personnel, etc. | ASL-1330-F6 | §18.2-51.1 | 1Y-5Y (II) | 1 Y |
| Simple assault on law enforcement, court, DOC, fire/medical, etc. | ASL-1342-F6 | §18.2-57(C) | 1Y-5Y | 6 M |
| Simple Assault - Health Care Provider | | | | |
| Battery against health care provider in an emergency facility | ASL-1352-M1 | §18.2-57(E) | 0-12M | 2 D |
| Simple Assault - Teacher, School Employee | | | | |
| Simple assault, on teacher, principal, school employee, etc. | ASL-1312-M1 | §18.2-57(D) | 0-12M | 2 D |
| Simple assault, on teacher, principal, school employee, etc. w/weapon | ASL-1311-M1 | §18.2-57(D) | 0-12M | 6 M |
| ESCAPES | | | | |
| Correctional Facility | | | | |
| Escape from a correctional facility | ESC-4921-F6 | §53.1-203(1) | 1Y-5Y (II) | 1 Y |
| FRAUD | | | | |
| Identity Fraud | | | | |
| Publish name of law-enforcement intent to harass, etc. | FRD-2540-F6 | §18.2-186.4 | 1Y-5Y | 6 M |
| GANGS | | | | |
| Participation - School Zone, Community Center, Etc. | | | | |
| Participation in crime for benefit/direction of gang - school, etc. | MOB-1280-F5 | §18.2-46.2 | 1Y-10Y | 2 Y |
| Participation in crime for gang that includes juvenile - school, etc. | MOB-1281-F4 | §18.2-46.2 | 2Y-10Y | 2 Y |
| MURDER | | | | |
| Aggravated | | | | |
| Law enforcement officer | MUR-0923-F1 | §18.2-31(6) | Life-Life (I) | Life |
| Manslaughter | | | | |
| Involuntary manslaughter, under the influence - vehicular, aggravated | MUR-0948-F9 | §18.2-36.1(B) | 1Y-20Y (II) | 1 Y |
| Involuntary manslaughter, under the influence - watercraft, aggravated | MUR-0949-F9 | §18.2-36.2(B) | 1Y-20Y (II) | 1 Y |
| NARCOTICS | | | | |
| Marijuana | | | | |
| Sell, distribute, etc., marijuana 3rd or subsequent felony | NAR-3085-F9 | §18.2-248.1(d) | 5Y-Life | 5 Y |
| Marijuana - Continuing Criminal Enterprise | | | | |
| Distribute etc., 100 kilograms, less than 250.0 kilograms marijuana mix | NAR-3119-F9 | §18.2-248(H1,ii,4) | 20Y-Life | 20 Y |
| Distribute etc., 250.0 kilograms or more marijuana mixture | NAR-3124-F9 | §18.2-248(H2,ii,4) | 40, Life | 40, Life |
| Marijuana - Distribution Based on Quantity | | | | |

| <u>Description</u> | <u>VCC</u> | <u>Statute</u> | <u>Penalty (Cat.)</u> | <u>Mandatory</u> |
|--|-------------|-----------------------|-----------------------|------------------|
| NARCOTICS | | | | |
| Marijuana - Distribution Based on Quantity | | | | |
| Marijuana mixture, etc., distribute, etc., 100 kilograms or more | NAR-3114-F9 | §18.2-248(H,4) | 20Y-Life | 20 Y* |
| * If court finds exception, mandatory minimum does not apply | | §18.2-248(H,4) | | * |
| Marijuana - Transport | | | | |
| Transport into Commonwealth - 5 lbs. or more marij. | NAR-3067-F9 | §18.2-248.01 | 5Y-40Y | 3 Y |
| Transport into Commonwealth - 5 lbs. or more marij. - 2nd or subsq. | NAR-3086-F9 | §18.2-248.01 | 5Y-40Y | 10 Y |
| Minors - Assist In Distribution | | | | |
| Sell <1 oz. of marijuana, minor assists in distribution | NAR-3126-F9 | §18.2-255(A,ii) | 10Y-50Y | 2 Y |
| Sell 1 oz. or more of marijuana, minor assists in distribution | NAR-3127-F9 | §18.2-255(A,ii) | 10Y-50Y | 5 Y |
| Sell Sch. I/II drug, minor assists in distribution | NAR-3128-F9 | §18.2-255(A,ii) | 10Y-50Y | 5 Y |
| Minors - Marijuana | | | | |
| Sell <1 oz. of marijuana to minor | NAR-3063-F9 | §18.2-255(A,i) | 10Y-50Y | 2 Y |
| Sell 1 oz. or more of marijuana to minor | NAR-3098-F9 | §18.2-255(A,i) | 10Y-50Y | 5 Y |
| Minors - Schedule I/II | | | | |
| Sell Sch. I/II drug to minor | NAR-3097-F9 | §18.2-255(A,i) | 10Y-50Y | 5 Y |
| Money - Continuing Criminal Enterprise | | | | |
| Gross \$100,000 to < \$250,000 within 12 month period | NAR-3090-F9 | §18.2-248(H1,i) | 20Y-Life | 20 Y |
| Gross \$250,000 or more within 12 month period | NAR-3092-F9 | §18.2-248(H2,i) | 40, Life | 40, Life |
| Schedule I or II Drugs - Continuing Criminal Enterprise | | | | |
| Cocaine base, distribute etc. 2.5 kilograms less than 5.0 kilograms | NAR-3118-F9 | §18.2-248(H1,ii,3) | 20Y-Life | 20 Y |
| Cocaine base, distribute etc. 5.0 kilograms or more | NAR-3123-F9 | §18.2-248(H2,ii,3) | 40, Life | 40, Life |
| Cocaine mixture distribute etc. 5.0 kilograms less than 10.0 kilograms | NAR-3117-F9 | §18.2-248(H1,ii,2) | 20Y-Life | 20 Y |
| Cocaine mixture, distribute etc. 10.0 kilograms or more | NAR-3122-F9 | §18.2-248(H2,ii,2) | 40, Life | 40, Life |
| Heroin mixture, distribute etc. 1.0 kilograms less than 5.0 kilograms | NAR-3116-F9 | §18.2-248(H1,ii,1) | 20Y-Life | 20 Y |
| Heroin mixture, distribute etc. 5.0 kilograms or more | NAR-3121-F9 | §18.2-248(H2,ii,1) | 40, Life | 40, Life |
| Methamphetamine, distribute etc. 100g < 250g / 200g < 1 kg mixture | NAR-3120-F9 | §18.2-248(H1,ii,5) | 20Y-Life | 20 Y |
| Methamphetamine, distribute etc. 250g or more / 1kg or more mixture | NAR-3125-F9 | §18.2-248(H2,ii,5) | 40, Life | 40, Life |
| Type Not Clear - Distribute Schd. I/II or marijuana - quantity defined | NAR-3091-F9 | §18.2-248(H1,ii) | 20Y-Life | 20 Y |
| Type Not Clear - Distribute Schd. I/II or marijuana - quantity defined | NAR-3093-F9 | §18.2-248(H2,ii) | 40, Life | 40, Life |
| Schedule I or II Drugs - Distribution, 2nd | | | | |
| Sell, poss. w/intent, distribute, etc. - second conviction | NAR-3038-F9 | §18.2-248(C) | 5Y-Life | 3 Y |
| Schedule I or II Drugs - Distribution, 3rd & Subsequent | | | | |
| Sell, poss. w/intent, distribute, etc. - third or subsequent | NAR-3087-F9 | §18.2-248(C) | 10Y-Life | 10 Y |
| Schedule I or II Drugs - Distribution, Quantity | | | | |
| Cocaine base, distribute, etc., 250g or more | NAR-3146-F9 | §18.2-248(C,3) | 5Y-Life | 5 Y* |
| Cocaine base, distribute, etc., 2.5 kilograms or more | NAR-3113-F9 | §18.2-248(H,3) | 20Y-Life | 20 Y* |
| Cocaine mixture, etc., distribute, etc., 500 g or more | NAR-3145-F9 | §18.2-248(C,2) | 5Y-Life | 5 Y* |
| Cocaine mixture, etc., distribute, etc., 5.0 kilograms or more | NAR-3112-F9 | §18.2-248(H,2) | 20Y-Life | 20 Y* |
| Heroin, distribute, etc., 100g or more | NAR-3144-F9 | §18.2-248(C,1) | 5Y-Life | 5 Y* |
| Heroin mixture, distribute, etc., 1.0 kilograms or more | NAR-3111-F9 | §18.2-248(H,1) | 20Y-Life | 20 Y* |
| Methamphetamine, distribute, etc., 10g or more (20g mixture) | NAR-3147-F9 | §18.2-248(C,4) | 5Y-Life | 5 Y* |
| Methamphetamine, distribute, etc., 28g or more | NAR-3149-F9 | §18.2-248.03 | 5Y-40Y | 3 Y |
| Methamphetamine, distribute, etc., 100g or more (200g mixture) | NAR-3115-F9 | §18.2-248(H,5) | 20Y-Life | 20 Y* |
| Methamphetamine, distribute, etc., 227g or more | NAR-3151-F9 | §18.2-248.03 | 5Y-Life | 5 Y |
| * If court finds exception, mandatory minimum does not apply | | §18.2-248(C,1 et al.) | | * |
| Schedule I or II Drugs - Manufacture Methamphetamine | | | | |

| <u>Description</u> | <u>VCC</u> | <u>Statute</u> | <u>Penalty (Cat.)</u> | <u>Mandatory</u> |
|---|-------------|---------------------|-----------------------|------------------|
| NARCOTICS | | | | |
| Schedule I or II Drugs - Manufacture Methamphetamine | | | | |
| Manufacture methamphetamine - 3rd or subsequent conviction | NAR-3133-F9 | §18.2-248(C1) | 10Y-Life | 3 Y |
| Schedule I or II Drugs - Transport | | | | |
| Transport into Commonwealth - 1 oz. or more of Cocaine | NAR-3065-F9 | §18.2-248.01 | 5Y-40Y | 3 Y |
| Transport into Commonwealth - 1 oz. or more of Cocaine, 2nd/subsq. | NAR-3088-F9 | §18.2-248.01 | 5Y-40Y | 10 Y |
| Transport into Commonwealth - 1 oz. or more other Sch. I/II | NAR-3066-F9 | §18.2-248.01 | 5Y-40Y | 3 Y |
| Transport into Commonwealth - 1 oz. or more other Sch. I/II, 2nd/subsq. | NAR-3089-F9 | §18.2-248.01 | 5Y-40Y | 10 Y |
| School Property, Etc., Possession/Distribution On | | | | |
| Distribute, etc., controlled substance on school property - 2nd/Subsq. | NAR-3099-F6 | §18.2-255.2 | 1Y-5Y | 1 Y |
| Steroids | | | | |
| Anabolic steroids - sell, distribute, etc. | NAR-3041-F9 | §18.2-248.5(A) | 1Y-10Y | 6 M |
| Type Not Clear | | | | |
| Type Not Clear - Distribute Schd. I/II - quantity defined | NAR-3094-F9 | §18.2-248(H) | 20Y-Life | 20 Y |
| OBSCENITY - CHILD PORN | | | | |
| Possession, Distribution, Reproduction | | | | |
| Reproduce, transmit, sell, etc., child porn, subsequent | OBS-3681-F9 | §18.2-374.1:1(C,i) | 5Y-20Y (II) | 5 Y |
| Solicitation of child porn to gain entry to group, subsequent | OBS-3678-F9 | §18.2-374.1:1(C,ii) | 5Y-20Y (II) | 5 Y |
| Production, Publication, Sale, Financing | | | | |
| Entice minor to perform in porn, age <15, offender 7+ yrs. | OBS-3742-F9 | §18.2-374.1(B,1) | 5Y-30Y (II) | 5 Y |
| Entice minor to perform in porn, age <15, offender 7+ yrs., 2nd/Subsq. | OBS-3743-F9 | §18.2-374.1(B,1) | 15Y-40Y (I) | 15 Y |
| Entice minor to perform in porn, age 15+, offender 7+ yrs. | OBS-3745-F9 | §18.2-374.1(B,1) | 3Y-30Y (II) | 3 Y |
| Entice minor to perform in porn, age 15+, offender 7+ yrs., 2nd/Subsq. | OBS-3746-F9 | §18.2-374.1(B,1) | 10Y-30Y (II) | 10 Y |
| Finance child porn, age < 15, offender 7+ yrs. | OBS-3683-F9 | §18.2-374.1(B,4) | 5Y-30Y (II) | 5 Y |
| Finance child porn, age < 15, offender 7+ yrs., 2nd/Subsq. | OBS-3684-F9 | §18.2-374.1(B,4) | 15Y-40Y (I) | 15 Y |
| Finance child porn, age 15+, offender 7+ yrs. | OBS-3686-F9 | §18.2-374.1(B,4) | 3Y-30Y (II) | 3 Y |
| Finance child porn, age 15+, offender 7+ yrs., 2nd/Subsq. | OBS-3687-F9 | §18.2-374.1(B,4) | 10Y-30Y (II) | 10 Y |
| Produce, make child porn, age <15, offender 7+ yrs. | OBS-3748-F9 | §18.2-374.1(B,2) | 5Y-30Y (II) | 5 Y |
| Produce, make child porn, age <15, offender 7+ yrs., 2nd/Subsq. | OBS-3749-F9 | §18.2-374.1(B,2) | 15Y-40Y (I) | 15 Y |
| Produce, make child porn, age 15+, offender 7+ yrs. | OBS-3751-F9 | §18.2-374.1(B,2) | 3Y-30Y (II) | 3 Y |
| Produce, make child porn, age 15+, offender 7+ yrs., 2nd/Subsq. | OBS-3752-F9 | §18.2-374.1(B,2) | 10Y-30Y (II) | 10 Y |
| Take part, film child porn, age < 15, offender 7+ yrs. | OBS-3754-F9 | §18.2-374.1(B,3) | 5Y-30Y (II) | 5 Y |
| Take part, film child porn, age < 15, offender 7+ yrs., 2nd/Subsq. | OBS-3755-F9 | §18.2-374.1(B,3) | 15Y-40Y (I) | 15 Y |
| Take part, film child porn, age 15+, offender 7+ yrs. | OBS-3757-F9 | §18.2-374.1(B,3) | 3Y-30Y (II) | 3 Y |
| Take part, film child porn, age 15+, offender 7+ yrs., 2nd/Subsq. | OBS-3760-F9 | §18.2-374.1(B,3) | 10Y-30Y (II) | 10 Y |
| OBSCENITY - CHILD SOLICITATION | | | | |
| Communications System | | | | |
| Propose sex act by communications sys. age <15, offender 7+ yr | OBS-3702-F9 | §18.2-374.3(C) | 5Y-30Y (II) | 5 Y |
| Propose sex act by communications sys. age <15, offender 7+ yr, 2nd+ | OBS-3703-F9 | §18.2-374.3(C) | 10Y-40Y (I) | 10 Y |
| Propose sex act by communications sys. age 15+, offender 7+ yr, 2nd+ | OBS-3691-F9 | §18.2-374.3(D) | 1Y-20Y (II) | 1 Y |
| PROTECTIVE ORDERS | | | | |
| Juvenile & Domestic Court | | | | |
| Violation of protective order (violence) 2nd w/in 5 yrs. | PRT-5001-M1 | §16.1-253.2(A) | 0-12M | 60 D |
| Violation of protective order (violence) 3rd w/in 20 yrs. | PRT-5002-F6 | §16.1-253.2(A) | 1Y-5Y (II) | 6 M |
| Other | | | | |
| Violation of protective order (violence) 2nd w/in 5 yrs. | PRT-5066-M1 | §18.2-60.4(A) | 0-12M | 60 D |
| Violation of protective order (violence) 3rd w/in 20 yrs. | PRT-5067-F6 | §18.2-60.4(A) | 1Y-5Y (II) | 6 M |

| <u>Description</u> | <u>VCC</u> | <u>Statute</u> | <u>Penalty (Cat.)</u> | <u>Mandatory</u> |
|--|-------------|-----------------|-----------------------|------------------|
| SEXUAL ASSAULT | | | | |
| Object Sexual Penetration | | | | |
| Victim under age 13 (indicted as an adult) | RAP-1154-F9 | §18.2-67.2(A,1) | Life-Life (I) | Life |
| Victim under age 13, w/kidnapping, burglary, wounding | RAP-1152-F9 | §18.2-67.2(A,1) | 25Y-Life (I) | 25 Y |
| Rape, Forcible | | | | |
| Intercourse with victim under age 13 (indicted as an adult) | RAP-1131-F9 | §18.2-61(A,iii) | Life-Life (I) | Life |
| Intercourse with victim under age 13, w/kidnapping, burglary, wounding | RAP-1150-F9 | §18.2-61(A,iii) | 25Y-Life (I) | 25 Y |
| Sodomy, Forcible | | | | |
| Victim under age 13 (indicted as an adult) | RAP-1153-F9 | §18.2-67.1(A,1) | Life-Life (I) | Life |
| Victim under age 13, w/kidnapping, burglary, wounding | RAP-1151-F9 | §18.2-67.1(A,1) | 25Y-Life (I) | 25 Y |
| Subsequent Violent Felony | | | | |
| Use VCC for offense & change position 8 of VCC to "X" | | §18.2-67.5:2 | Max. (II) | 5-20 Y |
| Use VCC for offense & change position 8 of VCC to "X" | | §18.2-67.5:3 | Max. (I/II) | 10Y- Life |
| THIRD CONVICTION FOR VIOLENT FELONY | | | | |
| Type | | | | |
| Three Strikes - Use VCC for offense change "F" to "L" | | §19.2-297.1 | Life | Life |
| TRAFFIC - DRIVING WHILE INTOXICATED | | | | |
| Motor Vehicle, Etc. - 1st Conviction | | | | |
| First conviction, blood alcohol level .15 to .20 | DWI-5443-M1 | §18.2-266 | 0-12M | 5 D |
| First conviction, blood alcohol level > .20 | DWI-5444-M1 | §18.2-266 | 0-12M | 10 D |
| Motor Vehicle, Etc. - 1st Conviction with Child | | | | |
| First conviction w/child | DWI-5451-M1 | §18.2-266 | 0-12M | 5 D |
| First conviction, blood alcohol level .15 to .20 w/child | DWI-5452-M1 | §18.2-266 | 0-12M | 10 D |
| First conviction, blood alcohol level > .20 w/child | DWI-5453-M1 | §18.2-266 | 0-12M | 15 D |
| First conviction, influence of drugs w/child | DWI-5463-M1 | §18.2-266 | 0-12M | 5 D |
| Motor Vehicle, Etc. - 1st Conviction with Child (Marijuana) | | | | |
| First conviction, influence of marijuana w/child | DWI-5621-M1 | §18.2-266 | 0-12M | 5 D |
| Motor Vehicle, Etc. - 2nd Conviction | | | | |
| Second conviction within less than 5 years | DWI-5448-S9 | §18.2-266 | 1M-1Y | 20 D |
| Second conviction within less than 5 years .15-.20 blood alcohol level | DWI-5474-S9 | §18.2-266 | 1M-1Y | 30 D |
| Second conviction within less than 5 years, blood alcohol level > .20 | DWI-5475-S9 | §18.2-266 | 1M-1Y | 40 D |
| Second conviction within less than 5 years, drugs | DWI-5464-S9 | §18.2-266 | 1M-1Y | 20 D |
| Second conviction within 5 to 10 years | DWI-5447-S9 | §18.2-266 | 1M-1Y | 10 D |
| Second conviction within 5 to 10 years, blood alcohol level .15 to .20 | DWI-5476-S9 | §18.2-266 | 1M-1Y | 20 D |
| Second conviction within 5 to 10 years, blood alcohol level > .20 | DWI-5477-S9 | §18.2-266 | 1M-1Y | 30 D |
| Second conviction within 5 to 10 years, drugs | DWI-5465-S9 | §18.2-266 | 1M-1Y | 10 D |
| Second conviction within 10 years, blood alcohol level .15 to .20 | DWI-5445-S9 | §18.2-266 | 1M-1Y | 20 D |
| Second conviction within 10 years, blood alcohol level > .20 | DWI-5446-S9 | §18.2-266 | 1M-1Y | 30 D |
| Motor Vehicle, Etc. - 2nd Conviction (Marijuana) | | | | |
| Second conviction within less than 5 years, marijuana | DWI-5622-S9 | §18.2-266 | 1M-1Y | 20 D |
| Second conviction within 5 to 10 years, marijuana | DWI-5623-S9 | §18.2-266 | 1M-1Y | 10 D |
| Motor Vehicle, Etc. - 2nd Conviction with Child | | | | |
| Second conviction within less than 5 years w/child | DWI-5457-S9 | §18.2-266 | 1M-1Y | 25 D |
| Second conviction within less than 5 years, BAC .15-.20 w/child | DWI-5479-S9 | §18.2-266 | 1M-1Y | 35 D |
| Second conviction within less than 5 years, BAC > .20 w/child | DWI-5480-S9 | §18.2-266 | 1M-1Y | 45 D |
| Second conviction within less than 5 years, drugs, w/child | DWI-5466-S9 | §18.2-266 | 1M-1Y | 25 D |
| Second conviction within 5 to 10 years w/child | DWI-5456-S9 | §18.2-266 | 1M-1Y | 15 D |

| <u>Description</u> | <u>VCC</u> | <u>Statute</u> | <u>Penalty (Cat.)</u> | <u>Mandatory</u> |
|---|-------------|----------------|-----------------------|------------------|
| TRAFFIC - DRIVING WHILE INTOXICATED | | | | |
| Motor Vehicle, Etc. - 2nd Conviction with Child | | | | |
| Second conviction within 5 to 10 years, BAC .15 to .20 w/child | DWI-5481-S9 | §18.2-266 | 1M-1Y | 25 D |
| Second conviction within 5 to 10 years, BAC > .20 w/child | DWI-5482-S9 | §18.2-266 | 1M-1Y | 35 D |
| Second conviction within 5 to 10 years, drugs, w/child | DWI-5467-S9 | §18.2-266 | 1M-1Y | 15 D |
| Second conviction within 10 years, BAC .15-.20 w/child | DWI-5454-S9 | §18.2-266 | 1M-1Y | 25 D |
| Second conviction within 10 years, BAC > .20 w/child | DWI-5455-S9 | §18.2-266 | 1M-1Y | 25 D |
| Motor Vehicle, Etc. - 2nd Conviction with Child (Marijuana) | | | | |
| Second conviction within less than 5 years, marijuana, w/child | DWI-5624-S9 | §18.2-266 | 1M-1Y | 25 D |
| Second conviction within 5 to 10 years, marijuana, w/child | DWI-5625-S9 | §18.2-266 | 1M-1Y | 15 D |
| Motor Vehicle, Etc. - 3rd Conviction | | | | |
| Third conviction within 5 Years | DWI-5450-F6 | §18.2-266 | 1Y-5Y | 6 M |
| Third conviction within 5 Years, BAC .15 to .20 | DWI-5680-F6 | §18.2-266 | 1Y-5Y | 6 M |
| Third conviction within 5 Years, BAC > .20 | DWI-5681-F6 | §18.2-266 | 1Y-5Y | 6 M |
| Third conviction within 5 years, influence of drugs | DWI-5469-F6 | §18.2-266 | 1Y-5Y | 6 M |
| Third conviction within 10 years | DWI-5449-F6 | §18.2-266 | 1Y-5Y | 90 D |
| Third conviction within 10 Years, BAC .15 to .20 | DWI-5682-F6 | §18.2-266 | 1Y-5Y | 90 D |
| Third conviction within 10 Years, BAC > .20 | DWI-5683-F6 | §18.2-266 | 1Y-5Y | 90 D |
| Third conviction within 10 years, influence of drugs | DWI-5468-F6 | §18.2-266 | 1Y-5Y | 90 D |
| Motor Vehicle, Etc. - 3rd Conviction (Marijuana) | | | | |
| Third conviction within 5 years, influence of marijuana | DWI-5627-F6 | §18.2-266 | 1Y-5Y | 6 M |
| Third conviction within 10 years, influence of marijuana | DWI-5626-F6 | §18.2-266 | 1Y-5Y | 90 D |
| Motor Vehicle, Etc. - 3rd Conviction with Child | | | | |
| Third conviction within 5 Years w/child | DWI-5459-F6 | §18.2-266 | 1Y-5Y | 6M 5D |
| Third conviction within 5 Years, BAC .15 to .20 w/child | DWI-5684-F6 | §18.2-266 | 1Y-5Y | 6M 5D |
| Third conviction within 5 Years, BAC > .20 w/child | DWI-5685-F6 | §18.2-266 | 1Y-5Y | 6M 5D |
| Third conviction within 5 Years, drugs, w/child | DWI-5471-F6 | §18.2-266 | 1Y-5Y | 6M 5D |
| Third conviction within 10 years w/child | DWI-5458-F6 | §18.2-266 | 1Y-5Y | 95 D |
| Third conviction within 10 Years, BAC .15 to .20 w/child | DWI-5686-F6 | §18.2-266 | 1Y-5Y | 95 D |
| Third conviction within 10 Years, BAC > .20 w/child | DWI-5687-F6 | §18.2-266 | 1Y-5Y | 95 D |
| Third conviction within 10 years, drugs, w/child | DWI-5470-F6 | §18.2-266 | 1Y-5Y | 95 D |
| Motor Vehicle, Etc. - 3rd Conviction with Child (Marijuana) | | | | |
| Third conviction within 5 Years, marijuana, w/child | DWI-5629-F6 | §18.2-266 | 1Y-5Y | 6M 5D |
| Third conviction within 10 years, marijuana, w/child | DWI-5628-F6 | §18.2-266 | 1Y-5Y | 95 D |
| Motor Vehicle, Etc. - 4th Conviction | | | | |
| Fourth or subsequent conviction within 10 years | DWI-5406-F6 | §18.2-266 | 1Y-5Y | 1 Y |
| Fourth or subsequent conviction within 10 yr., BAC .15 to .20 | DWI-5688-F6 | §18.2-266 | 1Y-5Y | 1 Y |
| Fourth or subsequent conviction within 10 yr., BAC > .20 | DWI-5689-F6 | §18.2-266 | 1Y-5Y | 1 Y |
| Fourth or subsequent conviction within 10 yr., drugs | DWI-5472-F6 | §18.2-266 | 1Y-5Y | 1 Y |
| Motor Vehicle, Etc. - 4th Conviction (Marijuana) | | | | |
| Fourth or subsequent conviction within 10 yr., marijuana | DWI-5630-F6 | §18.2-266 | 1Y-5Y | 1 Y |
| Motor Vehicle, Etc. - 4th Conviction with Child | | | | |
| Fourth or subsequent conviction within 10 years w/child | DWI-5460-F6 | §18.2-266 | 1Y-5Y | 1Y 5D |
| Fourth or subsequent conviction within 10 yr., BAC .15 to .20 w/child | DWI-5690-F6 | §18.2-266 | 1Y-5Y | 1Y 5D |
| Fourth or subsequent conviction within 10 yr., BAC > .20 w/child | DWI-5691-F6 | §18.2-266 | 1Y-5Y | 1Y 5D |
| Fourth or subsequent conviction within 10 yr., drugs, w/child | DWI-5473-F6 | §18.2-266 | 1Y-5Y | 1Y 5D |
| Motor Vehicle, Etc. - 4th Conviction with Child (Marijuana) | | | | |

| <u>Description</u> | <u>VCC</u> | <u>Statute</u> | <u>Penalty (Cat.)</u> | <u>Mandatory</u> |
|---|-------------|----------------|-----------------------|------------------|
| TRAFFIC - DRIVING WHILE INTOXICATED | | | | |
| Motor Vehicle, Etc. - 4th Conviction with Child (Marijuana) | | | | |
| Fourth or subsequent conviction within 10 yr., marijuana, w/child | DWI-5631-F6 | §18.2-266 | 1Y-5Y | 1Y 5D |
| Motor Vehicle, Etc. - A Prior Felony § 18.2-270(C,2) | | | | |
| Prior DWI manslaughter, assault, felony DWI | DWI-5493-F6 | §18.2-266 | 1Y-5Y | 1 Y |
| Prior DWI manslaughter, assault, felony DWI, BAC .15 to .20 | DWI-5692-F6 | §18.2-266 | 1Y-5Y | 1 Y |
| Prior DWI manslaughter, assault, felony DWI, BAC > .20 | DWI-5693-F6 | §18.2-266 | 1Y-5Y | 1 Y |
| Motor Vehicle, Etc. - A Prior Felony § 18.2-270(C,2) - Child | | | | |
| Prior DWI manslaughter, assault, felony DWI w/child | DWI-5494-F6 | §18.2-266 | 1Y-5Y | 1Y 5D |
| Prior DWI manslaughter, assault, felony DWI, BAC .15 to .20 w/child | DWI-5694-F6 | §18.2-266 | 1Y-5Y | 1Y 5D |
| Prior DWI manslaughter, assault, felony DWI, BAC > .20 w/child | DWI-5695-F6 | §18.2-266 | 1Y-5Y | 1Y 5D |
| Motor Vehicle, Etc. - Commercial Vehicles - 1st | | | | |
| 1st DWI commercial vehicle: BAC .15 to .20 | DWI-5573-M1 | §46.2-341.24 | 0-12M | 5 D |
| 1st DWI commercial vehicle: BAC > .20 | DWI-5574-M1 | §46.2-341.24 | 0-12M | 10 D |
| Motor Vehicle, Etc. - Commercial Vehicles - 1st (Marijuana) | | | | |
| 1st DWI commercial vehicle: marijuana w/child | DWI-5641-M1 | §46.2-341.24 | 0-12M | 5 D |
| Motor Vehicle, Etc. - Commercial Vehicles - 1st with Child | | | | |
| 1st DWI commercial vehicle: with child | DWI-5575-M1 | §46.2-341.24 | 0-12M | 5 D |
| 1st DWI commercial vehicle: BAC .15 to .20 w/child | DWI-5576-M1 | §46.2-341.24 | 0-12M | 10 D |
| 1st DWI commercial vehicle: BAC > .20 w/child | DWI-5577-M1 | §46.2-341.24 | 0-12M | 15 D |
| 1st DWI commercial vehicle: drug w/child | DWI-5578-M1 | §46.2-341.24 | 0-12M | 5 D |
| Motor Vehicle, Etc. - Commercial Vehicles - 2nd | | | | |
| 2nd DWI commercial vehicle w/in < 5 yrs. | DWI-5418-S9 | §46.2-341.24 | 1M-1Y | 20 D |
| 2nd DWI commercial vehicle w/in < 5 yrs., drug | DWI-5484-S9 | §46.2-341.24 | 1M-1Y | 20 D |
| 2nd DWI commercial vehicle w/in < 5 yrs: BAC .15 to .20 | DWI-5580-S9 | §46.2-341.24 | 1M-1Y | 30 D |
| 2nd DWI commercial vehicle w/in < 5 yrs: BAC > .20 | DWI-5581-S9 | §46.2-341.24 | 1M-1Y | 40 D |
| 2nd DWI commercial vehicle w/in 5 to 10 yrs | DWI-5419-S9 | §46.2-341.24 | 1M-1Y | 10 D |
| 2nd DWI commercial vehicle w/in 5 to 10 yrs: BAC .15-.20 | DWI-5582-S9 | §46.2-341.24 | 1M-1Y | 20 D |
| 2nd DWI commercial vehicle w/in 5 to 10 yrs: BAC >.20 | DWI-5583-S9 | §46.2-341.24 | 1M-1Y | 30 D |
| 2nd DWI commercial vehicle w/in 5 to 10 yrs: drug | DWI-5485-S9 | §46.2-341.24 | 1M-1Y | 10 D |
| 2nd DWI commercial vehicle w/in 10 yrs: BAC .15-.20 | DWI-5584-S9 | §46.2-341.24 | 1M-1Y | 20 D |
| 2nd DWI commercial vehicle w/in 10 yrs: BAC >.20 | DWI-5585-S9 | §46.2-341.24 | 1M-1Y | 30 D |
| Motor Vehicle, Etc. - Commercial Vehicles - 2nd (Marijuana) | | | | |
| 2nd DWI commercial vehicle w/in < 5 yrs., marij. w/child | DWI-5643-S9 | §46.2-341.24 | 1M-1Y | 25 D |
| 2nd DWI commercial vehicle w/in < 5 yrs., marij. | DWI-5642-S9 | §46.2-341.24 | 1M-1Y | 20 D |
| 2nd DWI commercial vehicle w/in 5 to 10 yrs: marij. | DWI-5644-S9 | §46.2-341.24 | 1M-1Y | 10 D |
| 2nd DWI commercial vehicle w/in 5 to 10 yrs: marij.w/child | DWI-5645-S9 | §46.2-341.24 | 1M-1Y | 15 D |
| Motor Vehicle, Etc. - Commercial Vehicles - 2nd with Child | | | | |
| 2nd DWI commercial vehicle w/in < 5 yrs. w/child | DWI-5586-S9 | §46.2-341.24 | 1M-1Y | 25 D |
| 2nd DWI commercial vehicle w/in < 5 yrs., drug w/child | DWI-5589-S9 | §46.2-341.24 | 1M-1Y | 25 D |
| 2nd DWI commercial vehicle w/in < 5 yrs: BAC .15 to .20 w/child | DWI-5587-S9 | §46.2-341.24 | 1M-1Y | 35 D |
| 2nd DWI commercial vehicle w/in < 5 yrs: BAC > .20 w/child | DWI-5588-S9 | §46.2-341.24 | 1M-1Y | 45 D |
| 2nd DWI commercial vehicle w/in 5 to 10 yrs w/child | DWI-5591-S9 | §46.2-341.24 | 1M-1Y | 15 D |
| 2nd DWI commercial vehicle w/in 5 to 10 yrs: BAC .15-.20 w/child | DWI-5592-S9 | §46.2-341.24 | 1M-1Y | 25 D |
| 2nd DWI commercial vehicle w/in 5 to 10 yrs: BAC >.20 w/child | DWI-5593-S9 | §46.2-341.24 | 1M-1Y | 35 D |
| 2nd DWI commercial vehicle w/in 5 to 10 yrs: drug w/child | DWI-5594-S9 | §46.2-341.24 | 1M-1Y | 15 D |
| 2nd DWI commercial vehicle w/in 10 yrs: BAC .15-.20 w/child | DWI-5596-S9 | §46.2-341.24 | 1M-1Y | 25 D |

| <u>Description</u> | <u>VCC</u> | <u>Statute</u> | <u>Penalty (Cat.)</u> | <u>Mandatory</u> |
|--|-------------|--------------------|-----------------------|------------------|
| TRAFFIC - DRIVING WHILE INTOXICATED | | | | |
| Motor Vehicle, Etc. - Commercial Vehicles - 2nd with Child | | | | |
| 2nd DWI commercial vehicle w/in 10 yrs: BAC >.20 w/child | DWI-5597-S9 | §46.2-341.24 | 1M-1Y | 35 D |
| Motor Vehicle, Etc. - Commercial Vehicles - 3rd | | | | |
| 3rd DWI commercial vehicle within 5 yrs. | DWI-5420-F6 | §46.2-341.24 | 1Y-5Y | 6 M |
| 3rd DWI commercial vehicle within 5 yrs., BAC .15 to .20 | DWI-5696-F6 | §46.2-341.24 | 1Y-5Y | 6 M |
| 3rd DWI commercial vehicle within 5 yrs., BAC > .20 | DWI-5697-F6 | §46.2-341.24 | 1Y-5Y | 6 M |
| 3rd DWI commercial vehicle within 10 yrs. | DWI-5421-F6 | §46.2-341.24 | 1Y-5Y | 90 D |
| 3rd DWI commercial vehicle within 10 yrs., BAC .15 to .20 | DWI-5677-F6 | §46.2-341.24 | 1Y-5Y | 90 D |
| 3rd DWI commercial vehicle within 10 yrs., BAC > .20 | DWI-5678-F6 | §46.2-341.24 | 1Y-5Y | 90 D |
| Motor Vehicle, Etc. - Commercial Vehicles - 3rd with Child | | | | |
| 3rd DWI commercial vehicle within 5 yrs. w/child | DWI-5598-F6 | §46.2-341.24 | 1Y-5Y | 6M 5D |
| 3rd DWI commercial vehicle within 5 yrs., BAC .15 to .20 w/child | DWI-5673-F6 | §46.2-341.24 | 1Y-5Y | 6M 5D |
| 3rd DWI commercial vehicle within 5 yrs., BAC > .20 w/child | DWI-5674-F6 | §46.2-341.24 | 1Y-5Y | 6M 5D |
| 3rd DWI commercial vehicle within 10 yrs. w/child | DWI-5599-F6 | §46.2-341.24 | 1Y-5Y | 95 D |
| 3rd DWI commercial vehicle within 10 yrs., BAC .15 to .20 w/child | DWI-5675-F6 | §46.2-341.24 | 1Y-5Y | 95 D |
| 3rd DWI commercial vehicle within 10 yrs., BAC > .20 w/child | DWI-5676-F6 | §46.2-341.24 | 1Y-5Y | 95 D |
| Motor Vehicle, Etc. - Commercial Vehicles - 4th | | | | |
| 4th DWI commercial vehicle within 10 yrs. | DWI-5602-F6 | §46.2-341.24 | 1Y-5Y | 1 Y |
| 4th DWI commercial vehicle within 10 yrs., BAC .15 to .20 | DWI-5671-F6 | §46.2-341.24 | 1Y-5Y | 1 Y |
| 4th DWI commercial vehicle within 10 yrs., BAC > .20 | DWI-5672-F6 | §46.2-341.24 | 1Y-5Y | 1 Y |
| Motor Vehicle, Etc. - Commercial Vehicles - 4th with Child | | | | |
| 4th DWI commercial vehicle within 10 yrs. w/child | DWI-5603-F6 | §46.2-341.24 | 1Y-5Y | 1Y 5D |
| 4th DWI commercial vehicle within 10 yrs., BAC .15 to .20 w/child | DWI-5669-F6 | §46.2-341.24 | 1Y-5Y | 1Y 5D |
| 4th DWI commercial vehicle within 10 yrs., BAC > .20 w/child | DWI-5670-F6 | §46.2-341.24 | 1Y-5Y | 1Y 5D |
| Motor Vehicle, Etc. - Commercial Vehicles - A Prior Felony | | | | |
| Prior DWI manslaughter, assault, felony commercial DWI | DWI-5604-F6 | §46.2-341.24 | 1Y-5Y | 1 Y |
| Prior DWI manslaughter, assault, felony commercial DWI, BAC .15 to .20 | DWI-5667-F6 | §46.2-341.24 | 1Y-5Y | 1 Y |
| Prior DWI manslaughter, assault, felony commercial DWI, BAC > .20 | DWI-5668-F6 | §46.2-341.24 | 1Y-5Y | 1 Y |
| Prior DWI manslaughter, assault, felony DWI w/child | DWI-5606-F6 | §46.2-341.24 | 1Y-5Y | 1Y 5D |
| Prior DWI manslaughter, assault, felony DWI, BAC .15 to .20 w/child | DWI-5607-F6 | §46.2-341.24 | 1Y-5Y | 1Y 5D |
| Prior DWI manslaughter, assault, felony DWI, BAC > .20 w/child | DWI-5608-F6 | §46.2-341.24 | 1Y-5Y | 1Y 5D |
| TRAFFIC - OPERATOR'S LICENSE | | | | |
| License Revoked for DWI, Manslaughter, Maiming | | | | |
| Operate vehicle after license revoked - no endangerment | LIC-6858-M1 | §46.2-391(D,1) | 0-12M | 10 D |
| Operate vehicle after license revoked - endangerment | LIC-6859-F9 | §46.2-391(D,2a,i) | 1Y-5Y | 12 M |
| Operate vehicle after license revoked - DWI, etc., violation | LIC-6860-F9 | §46.2-391(D,2a,ii) | 1Y-5Y | 12 M |
| Operate vehicle after license revoked - 2nd or subsequent | LIC-6861-F9 | §46.2-391(D,3) | 1Y-5Y | 12 M |
| TRAFFIC - RECKLESS DRIVING | | | | |
| Racing | | | | |
| Cause death of another by racing | REC-6633-F9 | §46.2-865.1(A,2) | 1Y-20Y | 1 Y |
| VANDALISM, DAMAGE PROPERTY | | | | |
| Vehicle - Law Enforcement/Emergency | | | | |
| Shoot or throw missile at law enforc./emerg. veh. w/malice | VAN-2905-F4 | §18.2-154 | 2Y-10Y (II) | 1 Y |
| Shoot or throw missile at law enforc./emerg. veh. w/o malice | VAN-2906-F6 | §18.2-154 | 1Y-5Y | 1 Y |
| WEAPONS | | | | |
| Drugs and Weapons | | | | |

| <u>Description</u> | <u>VCC</u> | <u>Statute</u> | <u>Penalty (Cat.)</u> | <u>Mandatory</u> |
|--|-------------|---------------------|-----------------------|------------------|
| WEAPONS | | | | |
| Drugs and Weapons | | | | |
| Possess Schedule I/II drug with firearm on or about person | WPN-5302-F6 | §18.2-308.4(B) | 1Y-5Y | 2 Y |
| Sell, etc., more than 1 lb. marijuana while possessing firearm | WPN-5278-F6 | §18.2-308.4(C) | 1Y-5Y | 5 Y |
| Sell, etc., Schedule I/II drug while possessing firearm | WPN-5257-F6 | §18.2-308.4(C) | 1Y-5Y | 5 Y |
| Felon | | | | |
| Convicted felon (non-violent w/in 10 yr.) possess firearm, etc. | WPN-5297-F6 | §18.2-308.2(A) | 1Y-5Y (II) | 2 Y |
| Convicted felon (violent) possess/transport firearm | WPN-5296-F6 | §18.2-308.2(A) | 1Y-5Y (II) | 5 Y |
| Ineligible Person, Purchase/Provide to | | | | |
| Purchase firearm - provide to ineligible person | WPN-5283-F4 | §18.2-308.2:2(M,i) | 2Y-10Y (II) | 1 Y |
| Solicit by ineligible person, violation of §18.2-308.2:2(M) | WPN-5286-F4 | §18.2-308.2:2(N) | 2Y-10Y (II) | 5 Y |
| Transport firearm out of state - provide to ineligible person | WPN-5284-F4 | §18.2-308.2:2(M,ii) | 2Y-10Y (II) | 1 Y |
| Purchase | | | | |
| Provide > 1 firearm to ineligible person through purchase/trans. | WPN-5285-F4 | §18.2-308.2:2(M) | 2Y-10Y (II) | 5 Y |
| Schools | | | | |
| Firearm, use or attempt to use on school property, etc. | WPN-5300-F9 | §18.2-308.1(C) | 5Y-5Y (II) | 5 Y |