

# Traffic/Felony Section A

Offender Name: \_\_\_\_\_

## Primary Offense

- A. DWI - Third conviction within 5 years (1 count) ..... 1
- B. DWI - Third conviction within 10 years (1 count) ..... 1
- C. DWI - Fourth or subsequent conviction within 10 years, or DWI after prior felony DWI (1 count) ..... 9
- D. Habitual Offender: endangerment, second or subsequent, or DWI and declared habitual offender for DWI, involuntary manslaughter (1 count) ..... 9
- E. Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) - endangerment (1 count) ..... 9
- F. Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) and DWI, etc., violation (1 count) ..... 9
- G. Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) - second or subsequent (1 count) ..... 9
- H. Hit and run, driver fails to stop and aid victim or hit and run, property damage \$1,000 or more
  - 1 count ..... 1
  - 2 counts ..... 4
- I. Disregard police command to stop, endangerment (1 count) ..... 5
- J. Driving after forfeiture of license, etc., 3rd offense within 10 Years (1 count) ..... 1

Score

0	
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## Primary Offense Remaining Counts Total the maximum penalties for counts of the primary not scored above

- Years:
- 5 - 7 ..... 1
  - 8 - 18 ..... 2
  - 19 - 28 ..... 3
  - 29 - 38 ..... 4
  - 39 or more ..... 5

0	
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## Additional Offenses Total the maximum penalties for additional offenses, including counts

- Years:
- Less than 1 ..... 0
  - (12 months = 1 year) 1 - 7 ..... 1
  - 8 - 18 ..... 2
  - 19 - 28 ..... 3
  - 29 - 38 ..... 4
  - 39 or more ..... 5

0	
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## Victim Injury

- Threatened, emotional, physical, or serious physical ..... 1
- Life threatening ..... 2

0	
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## Prior Convictions/Adjudications Total the maximum penalties for the 5 most recent and serious prior record events

- Years:
- Less than 2 ..... 0
  - 2 - 38 ..... 1
  - 39 or more ..... 2

0	
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## Prior Incarcerations/Commitments

Primary Offense:

J: Driving, after forfeiture of license

Number	Score
1.....	1
2 or more .....	4

Primary Offense:

All other offenses

If YES, add 4

0	
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## Legally Restrained at Time of Offense

Primary Offense

J: Driving, after forfeiture of license

	Points
Any legal restraint.....	4

Primary Offense:

All other offenses

	Points
None.....	0
Other, supervised probation .....	2
Parole, post-release, supv. prob. after incarceration .....	5

0	
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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS **I: DISREGARD POLICE COMMAND TO STOP OR H: HIT AND RUN WITH PROPERTY DAMAGE \$1,000 OR MORE (§ 46.2-894, § 46.2-817 (B))**

## Prior Criminal Traffic Convictions/Adjudications

Primary Offense:

I: Disregard police command to stop

Any prior felony traffic convictions/adjudications  
If YES, add 8

Primary Offense:

H: Hit and run with property damage \$1,000 or more

Number	Score
0-3 prior criminal misdemeanor traffic conv./adj. ....	0
4+ prior criminal misdemeanor traffic conv./adj. ....	1
1+ prior felony traffic convictions/adjudications .....	2

0	
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**Total Score**

If total is 8 or less, go to **Section B**. If total is 9 or more, go to **Section C**.

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# Traffic/Felony Section B

Offender Name: \_\_\_\_\_

## ◆ Primary Offense \_\_\_\_\_

- A. DWI – Third conviction within 5 years (1 count).....10
- B. DWI – Third conviction within 10 years (1 count).....10
- C. Hit and run, driver fails to stop and aid victim (1 count).....10
- D. Hit and run, property damage \$1,000 or more (1 count) .....8
- E. Disregard police command to stop, endangerment (1 count).....9
- F. Driving after forfeiture of license, etc., 3rd offense within 10 Years (1 count).....9

Score

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## ◆ Primary Offense Remaining Counts Total the maximum penalties for counts of the primary not scored above

- Years: 5 - 9.....2
- 10 - 19.....3
- 20 - 29.....4
- 30 - 39.....5
- 40 or more.....6

0	
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## ◆ Additional Offenses Total the maximum penalties for additional offenses, including counts \_\_\_\_\_

- Years: Less than 1 .....0
- (12 months = 1 year) 1 - 9.....2
- 10 - 19.....3
- 20 - 29.....4
- 30 - 39.....5
- 40 or more.....6

0	
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## ◆ Victim Injury \_\_\_\_\_

- Threatened, emotional, physical, or serious physical.....2
- Life threatening.....3

0	
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## ◆ Legally Restrained at Time of Offense \_\_\_\_\_ If YES, add 1 →

0	
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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS **C OR D: HIT AND RUN (§ 46.2-894)**

## ◆ Prior Criminal Traffic Convictions/Adjudications \_\_\_\_\_

- Number: 0 Felonies: 1 - 4 Misdemeanors .....1
- 5+ Misdemeanors .....2
- 1+ Felonies: 0 Misdemeanors .....1
- 1 - 4 Misdemeanors .....2
- 5+ Misdemeanors .....3

0	
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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS  
**F: DRIVING AFTER FORFEITURE OF LICENSE, ETC. - 3RD OFFENSE WITHIN 10 YEARS (§ 18.2-272(A))**

## ◆ Prior Incarcerations/Commitments \_\_\_\_\_ If YES, add 2 →

0	
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**Total Score** \_\_\_\_\_ →

See **Traffic Section B Recommendation Table** to convert score to guidelines sentence.

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Traffic/Section B

# Traffic/Felony Section C

Offender Name: \_\_\_\_\_

Prior Record Classification

☐ Category I ☐ Category II ☐ Other

## Primary Offense

A.	DWI - Third conviction within 5 years (1 count)	20	10	5
B.	DWI - Third conviction within 10 years (1 count)	20	10	5
C.	DWI - Fourth or subsequent conviction within 10 years, DWI after prior felony DWI			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
D.	Habitual offender: endangerment, second or subsequent, or DWI and declared habitual offender for DWI, involuntary manslaughter			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
E.	Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) - endangerment			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
F.	Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) and DWI, etc., violation			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
G.	Drive on revoked license after DWI, involuntary manslaughter, or DWI victim permanently impaired (maiming) - second or subsequent			
	1 count	40	20	10
	2 counts	48	24	12
	3 counts	68	34	17
H.	Hit and run, driver fails to stop and aid victim or hit and run, property damage \$1,000 or more (1 count)	20	10	5
I.	Disregard police command to stop, endangerment (1 count)	40	20	10
J.	Driving after forfeiture of license, etc., 3rd offense within 10 yrs (1 count)	32	16	8

Score

0		
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## Primary Offense Remaining Counts Assign points to each count of the primary not scored above and total the points

Maximum Penalty: 5, 10 ..... 1

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## Additional Offenses Assign points to each additional offense (including counts) and total the points

Maximum Penalty: Less than 5 ..... 0  
(years) 5, 10, 15 ..... 1  
20 ..... 2  
30 ..... 3  
40, 50, Life ..... 5

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## DWI Convictions for Current Event

Primary with additional DWI offense: Habitual offender or Drive on a revoked license (DWI as additional offense) ..... 11  
DWI after prior felony DWI, manslaughter, maiming ..... 3  
DWI fourth offense, Driving after forfeiture of license, etc., 3rd offense within 10 yrs ..... 2  
DWI third offense, Hit and run or Disregard command to stop (with DWI as additional offense) ..... 0

0		
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## Victim Injury

Threatened or emotional ..... 2  
Physical or serious physical ..... 4  
Life threatening ..... 5

0	0	
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## Prior Convictions/Adjudications Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty: Less than 20 ..... 0  
(years) 20, 30, 40, 50, Life ..... 1

0	0	
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## Prior Felony Convictions/Adjudications Against Person

Number of Counts: 1 ..... 1 4 ..... 4  
2 ..... 2 5 or more ..... 5  
3 ..... 3

0	0	
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## Prior Felony Convictions/Adjudications with the Same VCC Prefix as Primary Offense

Number of Counts: 1 ..... 2 4 ..... 8  
2 ..... 4 5 or more ..... 10  
3 ..... 6

0		
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## Legally Restrained at Time of Offense

Primary Offense: G: Hit and run (§ 46.2-894)  
If YES, add 4

Primary Offense: All other offenses  
If YES, add 2

0	0	
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SCORE THE FOLLOWING FACTOR **ONLY** IF PRIMARY OFFENSE IS **H: HIT AND RUN (§ 46.2-894)**

## Prior Criminal Traffic Convictions/Adjudications

Number: 0 Felonies: 1 - 4 Misdemeanors ..... 4  
5+ Misdemeanors ..... 8  
1+ Felonies: 0 Misdemeanors ..... 4  
1 - 4 Misdemeanors ..... 8  
5+ Misdemeanors ..... 12

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**Total Score**

See Traffic Section C Recommendation Table for guidelines sentence range.

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