

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-270 of the Code of Virginia, relating to driving while intoxicated;*
3 *penalty.*

4
5 Approved

[S 924]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 18.2-270 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-270. Penalty for driving while intoxicated; subsequent offense; prior conviction.

9 Any person violating any provision of § 18.2-266 shall be guilty of a Class 1 misdemeanor.

10 Any person convicted of a second offense committed within less than five years after a first offense
11 under § 18.2-266 shall be punishable by a fine of not less than \$200 nor more than \$2,500 and by
12 confinement in jail for not less than one month nor more than one year. Forty-eight hours of such
13 confinement shall be a mandatory, minimum sentence not subject to suspension by the court. Any
14 person convicted of a second offense committed within a period of five to ten years of a first offense
15 under § 18.2-266 shall be punishable by a fine of not less than \$200 nor more than \$2,500 and by
16 confinement in jail for not less than one month nor more than one year. Any person convicted of a third
17 offense or subsequent offense committed within ten years of an offense under § 18.2-266 shall be
18 punishable by a fine of not less than \$500 nor more than \$2,500 and by confinement in jail for not less
19 than two months nor more than one year. Thirty days of such confinement shall be a mandatory,
20 minimum sentence not subject to suspension by the court if the third or subsequent offense occurs
21 within less than five years. Ten days of such confinement shall be a mandatory, minimum sentence not
22 subject to suspension by the court if the third or subsequent offense occurs within a period of five to ten
23 years of a first offense.

24 In addition to the penalty otherwise authorized by this section or § 16.1-278.9, any person convicted
25 of a violation of § 18.2-266 committed while transporting a person seventeen years of age or younger
26 shall be (i) fined an additional minimum of \$100 and not more than \$500 and (ii) sentenced to perform
27 forty hours of community service in a program benefitting children or, for a subsequent offense, eighty
28 hours of community service in such a program.

29 For the purpose of this section a conviction *of any person* or finding of guilty in the case of a
30 juvenile under the following shall be considered a prior conviction: (i) *the provisions of § 18.2-36.1 or*
31 *the substantially similar laws of any other state or of the United States, (ii) the provisions of*
32 *§§ 18.2-51.4, 18.2-266, former § 18.1-54 (formerly § 18-75), the ordinance of any county, city or town*
33 *in this Commonwealth or the laws of any other state or of the United States substantially similar to the*
34 *provisions of § 18.2-51.4, and §§ 18.2-266 through 18.2-269, or (iii) the provisions of subsection A*
35 *of § 46.2-341.24 or the substantially similar laws of any other state or of the United States.*

REENROLLED

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