

State Felony Non-Injury DUI Comparison Chart

STATE	STATUTE	FELONY THRESHOLD	SANCTIONS												
Alabama	§ 32-5A-191	Fourth or subsequent DUI conviction is a Class C Felony.	<p>Sentence: 1 year and 1 day – 10 years (which may be suspended if, as a condition of probation, defendant completes an approved, state Certified Dependency program.)</p> <p>Mandatory minimum sentence: 10 days in county jail</p> <p>Fine: \$4,100-10,100</p>												
Alaska	<p>§§ 28.35.030(n), 12.55.125(e), 12.55.035(b)(4)</p> <p>AS 12.28.35.030 (n)</p>	Third or subsequent DUI conviction within 10 yrs of 1 st conviction	<p>Sentence: not more than 5 years</p> <p>Mandatory minimum term of incarceration: Third: 120 days Fourth: 240 days Fifth and subs 360 days</p> <p>Fine: \$10,000 - \$50,000</p> <p>Mandatory minimum fine: \$10,000 Effective 1 Jan 09 require the person to use an ignition interlock device after person regains privilege to operate motor vehicle throughout probation period.</p>												
Arizona	§§ 28-1383, 13-701, 13-801, 13.604.C	<p>Class 4 Felony</p> <p>Third or subsequent conviction within 7 years (84 months)</p> <p>First while driver license or privilege is suspended, cancelled, revoked or refused.</p> <p>DUI offense while subj to ignition interlock device order</p> <p>Refusal of test while subj to ignition interlock device order</p> <p>* Time spent incarcerated in any correctional facility, jail or time on absconder status is not included in the 84 months time *May also count other equivalent DUI conviction from other states</p>	<p>Sentence: 1 year – 12 years</p> <p>Mandatory minimum term of incarceration: Third: 4 months Fourth: 8 months</p> <table style="margin-left: 20px;"> <thead> <tr> <th></th> <th><u>Minimum</u></th> <th><u>Presumptive</u></th> <th><u>Maximum</u></th> </tr> </thead> <tbody> <tr> <td>Class 4</td> <td>8 years</td> <td>10 years</td> <td>12 years</td> </tr> <tr> <td>Class 6</td> <td>3 years</td> <td>3.75 years</td> <td>4.5 years</td> </tr> </tbody> </table> <p>Fine: not less than \$750 no more than \$150,000</p> <p>Suspension of driver license for 3 years</p> <p>Special assessment fine of \$250 in addition to other fine imposed by the court</p> <p>In addition a fine of not less than \$750.</p> <p>An additional assessment of: \$1500.00 to be paid to prison construction and operations fund \$1500.00 state general fund</p>		<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	Class 4	8 years	10 years	12 years	Class 6	3 years	3.75 years	4.5 years
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Arkansas	§§ 5-65-103, 5-65-111, 5-65-112	Fourth DUI conviction within 5 years Effective Jul 30, 1999	Sentence: 1 to 10 years Mandatory minimum incarceration term Fourth 1- 6 years, or not less than one year of community service. If pers under 16 in car at time of offense; 2-6 years. or not less than 2 years community service Fifth: 2 - 10 years, or not less than 2 years community service If pers under 16 in car at time of offense; 3- 10 years or not less than 3 years community service Mandatory Minimum fine: \$900 - \$5,000												
California*	<i>Vehicle</i> §§ 23152, 23550, 23580 <i>Penal</i> § 17	Third or subsequent conviction within 10 yrs	Sentence: 180 days to 1 year Mandatory minimum term of incarceration: 48 consecutive hours or 10 days community service Fine: \$390 - \$1000 Mandatory minimum fine: \$390												
Colorado	§§ 18-1-10 18-3-106, 18-3-205, 42-4-1301	Injury related DUI offenses are Felonies * have taken an administrative approach to deal with DUI	Offence of Vehicular homicide is a strict liability - class 3 felony Offence of Vehicular assault while under the influence is a class 4 felony (Mandatory revocation of license or permit if convicted twice within a five year period (42-2-125) ect. <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th><u>Minimum</u></th> <th><u>Maximum</u></th> <th><u>Mandatory</u></th> </tr> </thead> <tbody> <tr> <td>Class 3</td> <td>4 years</td> <td>12 years</td> <td>5 years</td> </tr> <tr> <td>Class 4</td> <td>2 years</td> <td>6 years</td> <td>3 years</td> </tr> </tbody> </table> Fine Class 3 Felony \$3000 - \$750,000 Class 4 Felony \$2000 - \$500,000		<u>Minimum</u>	<u>Maximum</u>	<u>Mandatory</u>	Class 3	4 years	12 years	5 years	Class 4	2 years	6 years	3 years
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<p>Connecticut</p>	<p>§§ 14-227a, 53a-25</p>	<p>2nd DUI conviction within 10 years 3rd or subsequent conviction within 10 years “unclassified felony”</p> <p>Take into account any other state offense that has essential elements</p>	<p>Sentence: 2nd: not more than 2 years 3rd or subsequent: not more than 3 years</p> <p>Mandatory Minimum term of incarceration: 2nd : 120 days and period of probation requiring as a condition that such person perform 100 hours community service 3rd or subsequent: 1 year and period of probation requiring as a condition that that such person perform 100 hours of community service</p> <p>Fine: 2nd :\$1,000- \$4,000; 3rd or subsequent: \$2,000- \$8,000</p> <p>Suspension and ignition interlock device Provisions for 2nd DUI Suspension of license or nonresident privilege 3 years 3rd DUI suspension of license or non resident privilege permanently</p>
<p>Delaware</p>	<p>tit.21 § 4177</p>	<p>Second DUI conviction not classified</p> <p>Third DUI conviction is a Class G felony.</p> <p>Fourth or subsequent DUI conviction is a Class E Felony. (No time limitation) (DA may request 4th DUI to be sentenced as if 3rd DUI)</p>	<p>Sentence: 2nd DUI 60 days to 18 months Class G Felony: 1 – 2 years Class E Felony: 2 – 5 years</p> <p>Mandatory minimum term of incarceration: 2nd: first 60 days not to be suspended Class G: First 3 consecutive months of sentence to be served level V, not open to parole Class E: First 6 consecutive months of sentence to be served level V, not open to parole</p> <p>Fine: 2nd DUI \$575- \$2300 Class G: \$1,000-\$3,000 Class E: \$2,000-\$6,000</p> <p>Mandatory minimum fine: 2nd DUI \$575 Class G: \$1,000 Class E: \$2,000</p> <p>If have a passenger 17 year or younger – enhanced fine and community service for 80 hours</p>

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District of Columbia	<i>See</i> § 50-2201.05(b)(1)(C)	DUI offenses are not classified as Felony	Penalties for misdemeanors are tiered based on number of offenses within a 15 year period.
Florida	§§ 316.193(2)(b)1, 775.082(9)(a)3d, 775.083(1)(3)	3 rd DUI conviction within 10 yrs is a Third Degree Felony. 4 th conviction regardless of when any prior conviction is a Third Degree felony.	3 rd DUI mandatory placement of not less than 2 years, at convicted persons expense, an ignition interlock device Sentence: 30 days – 5 years Mandatory minimum term of incarceration: 48 consecutive hours Fine: 3 rd Max \$5,000 4 th \$2,000 - \$5,000
Georgia	§ 40-6-391(c),(k)	4 th or subsequent within 10 year is a felony Commencement July 1, 2008	Sentence 1- 5years Mandatory Min incarceration 90days Period of probation of 5 years less any days serve in actual prison 60 days of community service unless sentenced to serve 3 years of actual imprisonment Fine \$1,000- \$5000 Completion of DUI or Drug taking risk reduction program, clinical evaluation
Hawaii	§§ 291E-61.5 706-660	Third or subsequent conviction 10 years. Class C Felony	Sentence shall be either: 1) An indeterminate term of imprisonment of five years; or 2) A term of probation of five years, with conditions to include: A) Mandatory revocation of license and privilege to operate a vehicle for a period not less than one year but not more than five years; B) Not less than ten days imprisonment, of which at least forty-eight hours shall be served consecutively; C) Referral to a certified substance abuse counselor as provided in section 291E-61(d); and D) A surcharge of \$25 to be deposited into the neurotrauma special fund.

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Idaho	§§ 18-8004 18-8004C 18-8005(5)	<p>Second or subsequent DUI conviction with BAC/BrAc > 0.20 w/in 5 years</p> <p>Third or subsequent DUI conviction w/in 5 years</p> <p>Fourth or subsequent DUI conviction w/in 10 years</p>	<p>Sentence: 2nd or subsequent max of 5 yrs with the state board of correction 3rd or subsequent max of 10 yrs state board of correction</p> <p>Mandatory minimum term of incarceration: 2nd 30 days must be served in county jail. 3rd 30 days with the first 48 hours served consecutively and of which 10 days which must be served in county jail</p> <p>Fine: not more than \$5,000</p> <p>Mandatory suspension of driver's license for min of 1 yr not to exceed 5 yrs after release</p> <p>May impose driving with ignition locking device.</p>
Illinois	625 § 5/11-501(c-1)(2)-(c-9) 730 §§ 5/5-8-1, 5/5-9-1	<p>DUI while privilege revoked or suspended Class 4 Felony</p> <p>3rd DUI while driving privilege revoked or suspended (or reckless homicide) class 3 felony</p> <p>4th DUI while driving privilege revoked or suspended (or reckless homicide) class 2 felony</p> <p>3rd DUI if the person was transporting a person under the age of 16 Class 4 felony within 20 years</p> <p>4th DUI if the person was transporting a person under the age of 16 Class 2 felony within 20 years</p> <p>3rd DUI within 20 years of a previous violation Class 4 Felony</p> <p>4th DUI within 20 years of a previous violation class 2 felony</p>	<p>Sentence: Class 4 felony 3- 7 years Class 3 felony 2 – 5 years Class 2 felony 1 – 3 years</p> <p>Mandatory incarceration 3rd violation while traveling with passenger 16 yrs or under minimum 30 days of imprisonment. 3rd violation if probation or conditional sentence must serve min 10 days imprisonment or 480 hrs community service 3rd violation in 20 years 90 days of imprisonment 4th violation in 20 years not eligible for sentence of probation or conditional discharge</p> <p>Fine: Minimum of \$2,500 Maximum of \$25,000</p> <p>Mandatory Fine 3rd violation while traveling with passenger 16 yrs or under fine of \$1,000, 4th violation while traveling with passenger 16 yrs or under fine of \$3,000 3rd and 4th violation in 20 years minimum fine of \$2,500.</p> <p>Other 3rd violation while traveling with passenger 16 yrs or under fine mandatory 140 hours of community service, include 40 hours in a program benefiting children, and minimum 30 days of imprisonment. Class 2 or 4 felony additional 40 hours of community service in a program benefiting children, mandatory fine of \$3,000, and a mandatory minimum 120 days of imprisonment</p>

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Indiana	§§ 9-30-5-3, 9-30-5-15(b),(c), 35-50-2-7	Second or subsequent OWI (operating while intoxicated) conviction within 5 years Class D Felony	<p>Sentence: 6months to 3yrs, advisory fixed term of 1 ½ yrs</p> <p>Third or subsequent OWI conviction: Sentence may not be suspended but can be served in intervals as ordered by court, but must be served within 6 months after date of sentencing. At least 48 hours of the sentence must be served consecutively. No credit time earned.</p> <p>Mandatory minimum term of incarceration: 10 days, unless 360 hrs of community service or restitution is ordered. The 10-day sentence may be served in segments, but at least 48 hours of the sentence must be served consecutively and entire sentence must be served within 6 months after sentencing.</p> <p>Fine: not more than \$10,000.</p>
Iowa	§ 321J.2	Third or subsequent DUI conviction within 5 years Class D felony	<p>Sentence: 30 days- 5 years (30 days – 1 yr if incarcerated in county jail)</p> <p>Mandatory minimum term of incarceration: If crt suspends, the crt shall order person to serve not less than 30 consecutive days nor more than 1 yr in the county jail.</p> <p>Fine: \$3,150 - \$9,375</p> <p>Mandatory Minimum Fine: \$3,150</p>
Kansas *proposed amendment	§ 8-1567(f),(g)	Third DUI conviction is a nonperson felony. Fourth or subsequent DUI conviction is a non person Felony.	<p>Sentence: 90 days – 1 year</p> <p>Mandatory minimum term of incarceration: Third DUI Conviction: 90 days. may be served in a work release program if driver has served 48 consecutive hours imprisonment. Alt. 90 day under house arrest, after 48 consecutive hours of imprisonment have been served. Fourth of Subsequent DUI conviction: 90 days. may be served in a work release program after driver has served 72 hours imprisonment. Enhancement of 1 month imprisonment if passenger under age of 14</p> <p>Fine: \$1,500-2,500</p> <p>Mandatory fine 3rd DUI conviction \$1,500 4th DUI conviction \$2,500</p>

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Kentucky *proposed amendment	§§ 189A.010, 532.060, 534.030, 189A.010(5)(d),(8),	Fourth or subsequent DUI conviction within 5 years is a Class D Felony (If BAC is more than 0.18, minimum mandatory sentence is twice as long.)	Sentence: 1 – 5 years Mandatory minimum term of incarceration: Fourth or subsequent DUI conviction within 5 years: 120 days imprisonment with at least 48 hrs served consecutively. (If BAC is more than 0.18, 240 days must be served for the 4 th or subs. DUI.) Fine: \$1,000 - \$10,000
Louisiana	§ 14:98	Third DUI conviction within 10 years (felony if sentence is imprisonment with hard labor) Fourth or subsequent DUI conviction within 10 years (felony if sentence is imprisonment with hard labor)	Sentence: Third Conviction: 1-5 years with hard labor Fourth or subsequent conviction: 10 – 30 years with hard labor Mandatory minimum term of incarceration: Third Conviction: 30 days Fourth or subsequent conviction: 60 days Fine: Third Conviction: \$2,000 Fourth or subsequent: maximum of \$5,000
Maine	17-A MRSA § 1252 29-A MRSA § 2411(1), (5)(D) 17-A MRSA § 4	1 st & 2 nd offenses are Class D Crime. 3 rd and 4 th or subsequent offenses are class C crime.	Sentence: (OUI within 10 years) 3 rd OUI-30 days/40 days for failure to submit to BAC 4 th OUI- 6 months/6 months 20 days for failure to submit to BAC Fines: 3 rd OUI- \$1,100/1,400 for failure to submit to BAC 4 th OUI- \$2,100/2,500 for failure to submit to BAC Both require installation of Ignition Interlock Device for mandatory 4 years after 6 years of drivers license suspension.
Maryland	<i>Trans.</i> §§ 21-902, 21-101 et seq., 27-102	2nd DUI (≥0.08 BAC) conviction 3 rd or subsequent DUI conviction within 5 years	Sentence: 2 nd : Not more than 2 years 3 rd : Not more than 3 years Mandatory minimum term of incarceration: 2 nd : 5 days or community service for 30 days 3 rd : 10 days or community service for 60 days Fine: 2 nd : Not more than \$2,000 3 rd : Not more than \$3,000 Mandatory minimum fine: None

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Massachusetts	90 § 24	Third or subsequent DUI conviction within 10 yrs	<p>Sentence: 3rd DUI offense within 10 years: 180 days to 2 ½ years in jail (or 2 ½ - 5 yrs in State prison) 4th DUI offense within 10 years: 2 – 2 ½ years in jail (or 2 ½ - 5 yrs in State Prison) 5th and subsequent DUI offenses within 10 years: 2 – 2 ½ yrs in jail (or 2 ½ - 5 yrs in State prison)</p> <p>Mandatory minimum term of incarceration: 3rd DUI offense: 150 days. Work release available during this period. 4th DUI offense: 12 months. Work release available during this period. 5th and subsequent DUI offense: 24 mths. Work release is available for this period.</p> <p>Fine: 3rd DUI offense: \$1,000 - \$ 15,000 4th DUI offense: \$1,500 - \$ 25,000 5th and subsequent DUI offense: \$2,000 - \$50,000</p>
Michigan	§ 257.625(3),(10)	Third or subsequent DUI conviction within 10 years	<p>Sentence: 1-5 years (if imprisoned under the jurisdiction of the Department of Corrections) 30 days – 1 year (if sentenced to probation with imprisonment in the county jail)</p> <p>Mandatory minimum term of incarceration: 48 consecutive hours</p> <p>Fine: \$500 - \$5,000</p>
Minnesota	§§ 169A.20, 169A.24, 169A.276(d)	Fourth or subsequent DWI (Driving while Impaired) offense within 10 yrs = First Degree Driving while Impaired, which is a felony.	<p>Sentence: 7 yrs maximum imprisonment Court may stay the execution of sentence, may not impose sentence with duration of less than 3 years.</p> <p>Mandatory minimum term of incarceration: Fourth offense: 180 days, at least 30 of which must be served consecutively in local correctional facility or program of intensive supervision Fifth or subsequent offense: 1 year, at least 60 days of which must be served consecutively in local correctional facility or program of intensive supervision</p> <p>Fine: Maximum of \$14,000</p>

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Mississippi	§ 63-11-30	Third or subsequent DUI conviction within 5 years	<p>Sentence: 1 – 5 years in Penitentiary</p> <p>Fine: \$2,000 - \$5,000</p> <p>Mandatory minimum fine: \$2,000</p>
Missouri	§§ 577.010, 577.023, 1(2)(a),3, 558.011, 577.512, 560.011	<p>“Persistent offender” - 2 or more previous alcohol-related offense convictions within 10 years</p> <p>“Aggravated offender” - 3 or more previous intoxication-related offense convictions within 10 years</p> <p>“Chronic offender” - 4 or more previous intoxication-related offense</p>	<p>Sentence: “Persistent offender” – Not more than 5 years</p> <p>Mandatory minimum term of incarceration: “Persistent offender” – 10 days “Aggravated offender” – 60 days “Chronic offender” – 2 years</p> <p>Fine: Not more than \$5,000</p>
Montana	§ 61-8-731	Fourth or subsequent DUI conviction	<p>Sentence: 13 months</p> <p>Mandatory minimum term of incarceration: 13 months (13 month incarceration for treatment at DOC or approved alcohol treatment program. Upon completion of program, the remainder of 13 month sentence must be served on probation.</p> <p>Fine: \$1,000 - \$10,000</p>
Nebraska	§§ 60-6, 196 60-6,197.03	<p>Second while on violation and Third within 12 years Class IIIA Felony</p> <p>Third while on violation and Fourth DUI in twelve years III Felony</p> <p>Fourth or subsequent DUI within twelve years is a Class III Felony</p> <p>Fourth or subsequent while on violation Class II Felony</p>	<p>Sentence: not more than 15 years</p> <p>3rd DUI-Minimum 60 days incarceration</p> <p>4th DUI-Minimum 90 days</p> <p>5th DUI-Minimum 180 days</p> <p>Mandatory minimum fine: \$1,000</p>

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Nevada	§ 484.3792	Third or subsequent DUI conviction within 7 years is a Category B felony	<p>Sentence: 1 – 6 years in state prison Mandatory minimum term of incarceration: 1 year and at least 48 hours must be served consecutively</p> <p>Fine: \$2,000 - \$5,000</p> <p>Mandatory minimum fine: \$2,000</p>
New Hampshire	§ 265:82-b(II)(c) <i>See § 265.82 et seq.</i>	4 th or subsequent DUI conviction within 10 years	<p>Sentence: not more than 7 years Mandatory minimum of 10 days consecutive, of which 3 served in correctional facility and 7 (24 hr periods) consecutively in state-operated 7-day multiple DWI offender detention program.</p> <p>Mandatory Fine: \$500</p>
New Jersey	§§ 39:4-50, 2C:1-4, 2C:43-1	New Jersey offenses are classified as misdemeanors.	
New Mexico	§§ 66-8-102, 31-18-15	Fourth and Fifth DUI conviction is a Fourth Degree Felony Sixth and Seventh DUI conviction is a Third Degree Felony	<p>Sentence: Mandatory minimum term of incarceration: 4th DUI- 6 months 5th DUI-1 year 6th DUI-18 months 7thDUI-2 years Fine: not more than \$5,000</p>
New York <i>(legislation pending)</i>	<i>Vehicle and Traffic</i> §§ 1192, 1193(1)(c) <i>Penal § 60.12</i>	Second DUI conviction within 10 years is a Class E Felony. Third and subsequent DUI conviction within 10 yrs is a Class D Felony	<p>Sentence: Class E Felony: 3 to 4 years Class D Felony: 3 to 7 years</p> <p>Fine: Class E Felony: \$1,000 - \$5,000 Class D Felony: \$2,000 - \$10,000</p>
North Carolina	§§ 20-138.5, 15A-1340.17(d)	Fourth or subsequent DUI within 10 years is a Class F Felony.	<p>Sentence: maximum of 59 months Minimum period of incarceration: 12 months</p> <p>Fine: authorized but not specified by statute</p>

Information obtained from the “Subsequent Non-Injury DUI as Felony: State Statute Chart”, prepared by the National Traffic Law 10 Center of the American Prosecutors Research Institute, as revised by the Alabama Sentencing Commission 7/18/08.

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North Dakota	§§ 39-08-01, 2, 12.1-32-01,4	Fifth or subsequent DUI conviction within 7 yrs is a class C felony	<p>Sentence: not more than 5 years</p> <p>Mandatory minimum term of incarceration: 180 days (48 hours must be served consecutively)</p> <p>Fine: \$1,000 - \$5,000</p> <p>Mandatory minimum fine: \$1,000</p>
Ohio	§§ 4511.99(A)(4)(a)(i)-(iii) 4511.19	4 th DUI conviction within 6 years 4 th Degree Felony Subsequent offense within any time period – 3 rd Degree Felony	<p>Sentence:</p> <p>4th Degree Felony: 6 – 30 months</p> <p>3rd Degree Felony: 1 – 5 years</p> <p>Mandatory minimum term of incarceration: 60 consecutive days</p> <p>Fine: \$800 - \$10,000</p> <p>Mandatory minimum fine: \$800</p>
Oklahoma	47 § 11-902	Second DUI conviction within 10 years is 1 st Felony	<p>Sentence:</p> <p>Second DUI within 10 years (1st Felony): 1 – 5 years or Treatment at the expense based on an assessment and evaluation by the Department of Mental Health and Substance Abuse Services (If the treatment does not include residential or inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.)</p> <p>Third DUI within 10 years (2nd Felony): 1 – 7 years or treatment based on an assessment and evaluation by the Department of Mental Health and Substance Abuse Services, two hundred forty (240) hours of community service and use of an ignition interlock device. (If the treatment does not include residential or inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.)</p> <p>Fourth DUI or subsequent DUI within 10 years (3rd or subsequent Felony): 1 – 10 yrs or treatment based on an assessment and evaluation by the Department of Mental Health and Substance Abuse Services followed by not less than one (1) year of supervision and periodic testing at the defendant's expense, four hundred eighty (480) hours of community service and use of an ignition interlock device for a minimum of thirty (30) days. If the person does not undergo residential or inpatient treatment, the person shall serve a term of imprisonment of at least ten (10) days.</p> <p>Sentence:</p> <p>Fourth DUI or subsequent DUI within 10 years (3rd or subsequent Felony): (If the person does not undergo inpatient treatment pursuant as stated, the person shall serve a term of imprisonment of at least ten (10) days.)</p> <p>Fine:</p> <p>Second DUI within 10 years (1st Felony): Maximum \$2,500</p> <p>Third DUI within 10 years (2nd Felony): Maximum \$5,000</p> <p>Fourth DUI or subsequent within 10 years (3rd or subsequent Felony): Maximum \$5,000</p>

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Oregon	§§ 813.020(2), 813.010(5), 137.129, 161.525, 161.625, 161.605	3 rd or subsequent DUI conviction within 10 years (If punished by a fine, instead of imprisonment, crime will be classed as a misdemeanor.)	Sentence: Maximum 5 years imprisonment Mandatory Minimum Incarceration: 48 hours of consecutive imprisonment or 250 hours of community service Fine: Maximum of \$10,000 Minimum of \$2,000 if not sent to prison
Pennsylvania	18 § 1104(1),(2) 75 § 3731(e)(1)	3 rd or Subsequent offense	Sentence: not less than 10 days Mandatory minimum term of incarceration: 10 days Fine: \$500 - \$5,000 Mandatory minimum fine: \$500
Rhode Island	§§ 11-1-2, 31-27-2(d)(3)(i),(ii)	Third or subsequent DUI conviction in 5 years	Sentence: Third or Subsequent DUI Conviction with 5 yrs: 1– 3 years in jail Third or Subsequent DUI in 5 years w/ B.A.C. 0.15%+: 3 – 5 years imprisonment Minimum period of incarceration: Third or Subsequent DUI within 5 years: 1 year with minimum of 48 hours served consecutively, Third or Subsequent DUI with 5 years w/BAC 0.15+: 3 years Fine: Third or Subsequent DUI Conviction with 5 years: \$400 Third or Subsequent DUI in 5 years w/ B.A.C. 0.15%+: \$1,000 - \$5,000
South Carolina	§ 56-5-2940, 16-1-20	Fourth or subsequent DUI conviction within 10 years	Sentence: 1 –7 years BAC .08 to .10 1-5 years BAC .10 to .16 2-6 years BAC .16 or higher 3-7 years Mandatory minimum term of incarceration: 1 year Fine: no less than \$3,800

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South Dakota	§ 32-23-1, 32-23-4.6, 22-6-1	Third DUI conviction within 5 years is a Class 6 Felony. Fourth and subsequent DUI conviction within 5 years is a Class 5 Felony.	Sentence: Class 6 Felony: maximum of 2 years Class 5 Felony; maximum of 5 years Fine: Class 6 Felony: maximum of \$2,000 Class 5 Felony: maximum of \$5,000
Tennessee	§§ 55-10-403(a)(1), 40-35-11(5)	Fourth or subsequent DUI conviction within 10 years	Sentence: 1 – 6 years Mandatory minimum term of incarceration: 150 days Fine: \$3,000 - \$15,000 Mandatory minimum Fine: \$3,000
Texas	<i>Penal</i> §§ 49.04, 12.34, 49.09, <i>Crim. Pro.</i> art. 42.12	Third or subsequent DUI conviction within 10 years is a 3 rd Degree Felony	Sentence: 2 – 10 years Mandatory minimum term of incarceration: Not less than 10 days of continuous confinement if community supervision is granted Fine: Maximum of \$10,000
Utah	§§ 41-6-44(6)(a)(i) 76-3-203 76-3-301(b)	Third or subsequent DUI conviction within 10 yrs is a 3 rd Degree Felony.	Sentence: 1, 500 hours to 5 years Mandatory minimum term of incarceration: 1,500 hours (in jail not prison) Fine: \$1,500 - \$5,000 Mandatory minimum fine: \$1,500 (if the court suspends the execution of the prison sentence.
Vermont	23 VSA § 1201, 1210 13 VSA § 1	Third or subsequent DUI conviction	Sentence: Maximum of 5 years Fine: Maximum of \$2,500

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Virginia	§§ 18.2-266, 18.2-270(c), 18.2-10	Third or subsequent DUI conviction within 10 years is a Class 6 Felony.	Sentence: 1 –5 years in prison (or up to 12 months in jail) Mandatory minimum term of incarceration: 3 rd Offense: 3 months or 6 months for DUI within 5 years of last 4 th Offenses: 1 year Fine: \$1,000 min and not more than \$2,500
Washington	§§ 46.61.502(5), 504(5)	All DUI offenses are gross misdemeanors.	
West Virginia	§ 17C-5-2	Third or subsequent DUI convictions	Sentence: 1 – 3 years Mandatory minimum term of incarceration: 1 year Fine: \$3,000 - \$5,000 Mandatory minimum fine: \$3,000
Wisconsin	§§ 346.65, 939.60	5 th or subsequent DUI conviction	Sentence: 6 months – 5 years Fine: \$600 - \$2,000
Wyoming	§§ 6-10-101, 31-5-233(e),(g),(h)	4 th or subsequent DUI Conviction within 5 years	Sentence: No mandatory specified, up to 2 years Fine: No minimum specified, up to \$10,000