VIRGINIA DRUG PENALTIES

For Virginia schedules, see Virginia Code Annotated at 54.1-3446.

First Offense

Manufacturing, selling, distributing, giving or possessing with the intent to manufacture, sell, give or distribute (Va. Code Ann. at 18.2-248 and 18.2-11):

Schedule I and II drugs, and transporting into Virginia one or more ounces of cocaine and five or more pounds of marijuana with intent to sell or distribute: not less than five years nor more than 40 years; fine not more than $500,000.

Schedule III, IV or V drugs: not more than 12 months; fine not more than $2,500.

Trafficking in the following amounts is punishable by imprisonment of 5 years to life and a fine of not more than $1 million:

- Heroin: 100 grams or more
- Cocaine: 500 grams or more
- Cocaine base: 250 grams or more
- Methamphetamine: 10 grams or more

Simple possession of a controlled substance is punishable as follows:

- Marijuana: a misdemeanor; not more than 30 days; fine of not more than $500. (Va. Code Ann. at 18.2-250.1)
- Schedule I or II drug: not less than one year nor more than 10 years; or, in some cases, up to 12 months and fine of $2,500. Class 5 Felony.
- Schedule III drug: not more than 12 months; fine not more than $2,500. Class 1 Misdemeanor.
- Schedule IV drug: not more than six months; fine not more than $1,000. Class 1 Misdemeanor.
- Schedule V drug: fine not more than $500. Class 3 Misdemeanor.
- Schedule VI drug: fine not more than $250 (Va. Code Ann. at 18.2-250.1, 18.2-11, and 18.2-10). Class 5 Misdemeanor.

Penalties for the sale, gift, distribution or possession with intent to sell, give or distribute marijuana (Va. Code 18.2-248.1):

- Not more than one half ounce of marijuana: not more than 12 months, fine of not more than $2,500.
- More than one half ounce of marijuana but not more than 5 pounds of marijuana: up to 10 years, fine of not more than $2,500.
- More than five pounds of marijuana, not less than five years, nor more than 30 years.
- Manufacturing marijuana: not less than five years nor more than 30 years, fine not to exceed $10,000.

Other Penalties, Second and Later Offenses

Sale of drugs on or near school property (including universities), state hospital grounds, a public recreation or community center, or any public library is a felony punishable by a mandatory sentence of not less than one year nor more than five years; fine of not more than $100,000 (Va. Code Ann. at 18.2-255.2).

Forfeiture of driver's license may also occur as a result of drug violations. (Va. Code Ann. at 18.2-259.1). For penalties for sale of drugs to someone under age 18 who is at least three years younger than the seller, see Va. Code Ann. at 18.2-255. Enhanced penalties also apply to subsequent offenses.