

## Know the Law – Staying Out of Trouble

(Adapted from Attorney Luke Nichols' article in February 3, 2012 NOVA Fortnightly)

1. Criminal records are forever.
  - You cannot expunge convictions in Virginia.
  - Even juvenile records, which are not public, are available for prosecutors to use against you in court.
2. Reckless driving by speed: anything over 80 mph or 20 mph over the posted limit (46.2-862)
  - Class 1 misdemeanor, punishable by up to 1 year in jail, \$2500 fine, and loss of operator license (OL)
  - Fairfax County writes 60 reckless tickets a day and routinely jails drivers exceeding 90 mph
3. Fake ID, use or possession of (46.2-346)
  - Possessing an expired, fake or altered OL to break the law, using another's OL, or not surrendering your own is a criminal offense that can result in up to 6 months in jail.
  - Use of a fake ID with someone else's info can result in more serious ID theft charges.
4. Use of expired out-of-state license (60 days after moving to Virginia) (46.2-308)
  - Driving on an expired out-of-state license is a criminal offense (46.2-300).
  - You only have 30 days to register your out-of-state vehicle.
5. Underage use or possession of alcohol (4.1-305)
  - Penalties: 6-month OL suspension, \$500-2500 fine, 50 hours of community service, and/or up to 12 months in jail.
6. Baby DUI (18.2-266.1)
  - DUI is a criminal, not a traffic, offense.
  - If you are under 21, the law only allows a Blood Alcohol Content (BAC) of .02 (.08 for adults). This is less than 2 beers.
  - Potential penalties: 12 months in jail, 1 year probation, 1 year loss of OL, \$500-2500 fine, alcohol treatment for at least 10 weeks (paid by you), and up to 50 hours of community service.
  - Don't forget hefty legal fees (~\$10,000).
7. Public intoxication (18.2-388)
  - "Public" includes in your car, even if it is not moving.
  - "Intoxication" is any symptom of drugs or alcohol.
  - Police have wide latitude.
8. Sexting and child pornography (18.2-374.1)
  - Anyone under 18 is a child!
  - Making/encouraging dirty images of a minor is felony production of child pornography.
  - Possessing such images on your cell phone or computer is a separate felony (18.2-374.1:1) and so is copying, sharing, emailing, posting or showing them (18.2-374.1:1(C)).
  - Each image is a separate charge for production, possession and distribution.
    - ✓ Example: if you take 2 (partially) nude photos of your 17 year old girlfriend and email them to your computer, you have committed 6 felonies, punishable by up to 10-90 years in prison.
    - ✓ You also have to register (forever) as a sex offender.
    - ✓ You can never vote, possess a firearm, etc.
9. Possession of prescription drugs without a prescription (18.2-250)
  - You may not possess prescription drugs without a valid prescription, and you may not keep them in anything except the original container with your name on it.
  - Most prescription drugs that are used recreationally are felonies, with sentences up to 10 years.
  - All drug sentences come with at least a mandatory 6 month loss of OL.
10. Possession, manufacture, or distribution of synthetic marijuana, such as K-2 and Spice, (and "bath salts") (18.2-248.1:1)

- Penalties for synthetic marijuana are more severe than simple marijuana possession.
- Obviously, marijuana is illegal too (in Virginia), and possession of over half an ounce is a Class 5 felony.

The bottom line: 90% of crimes committed by college students involve sex, drugs, alcohol and/or a car. Use your head!