

Number Offense	Criminal Penalty	Minimum/Mandatory	License Suspension Period	IID eligibility	Fines	Classification
First Offenders Program	Up to 12 months at LV, all suspended for FOP program	none	1 year	immediately upon entering program (21 Del. C. 4177C(a))	\$250	Misdemeanor
First Offense	Up to 12 months at Level V	none	12 months if BAC is under .15; 18 months if BAC is .15-.19; 24 months if .20+ or offender refused a chemical test	After 30 days if BAC was .08-.149; 45 days if BAC was .15 or greater	\$500-\$1500	Misdemeanor
Second Offense	60 days to 18 months at Level V	60 days* unless enrolled in CCP DUI Court (NCC only)	18 months if BAC is under .15; 24 months if BAC is .15-.19; 30 months if BAC is .20+ or offender refused chemical test	After 60 days	\$750-\$2500	Misdemeanor
Third Offense	1-2 years at Level V	3 months	24 months if BAC is under .15; 30 months if .15-.19; 36 months if BAC is .20+ or if offender refused chemical test	After 90 days	Up to \$5000	Class G Felony
Fourth Offense	2-5 years at Level V	6 months	60 months	After 6 months	Up to \$7000	Class E Felony
Fifth Offense	3-5 years at Level V	All but 1.5 years may be suspended at Court's discretion	60 months	After 6 months	Up to \$10,000	Class E Felony
Sixth Offense	4-8 years at Level V	All but 2 years may be suspended at Court's discretion	60 months	After 6 months	Up to \$10,000	Class D Felony

Seventh+ Offense 5-15 years at Level V All but 2.5 years may be suspended at Court's discretion 60 months After 6 months Up to \$15,000 Class C Felony