State:

Texas

Statute/Law:

Section 49.04: *Driving While Intoxicated.*

Per Se Law?:

No

Statute/Law Language:

"Intoxicated" means:

(A) Not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or

(B) Having an alcohol concentration of 0.08 or more.

(C) A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place.

Zero tolerance for addicts: It is illegal for chemically dependent persons who are a danger to themselves or others, or those who are addicted to a controlled substance or other drug, to drive.

Penalties Following Conviction:

(1) For 1st offense : 72 hours minimum confinement (6 days minimum if open container and offense involved a motor vehicle) – up to 180 days imprisonment, not more than $2000 fine;
(2) For 2nd offense within 10 years: 30 days (minimum)-1 year, not more than $4000 fine;
(3) For 3rd or subsequent offense within 10 years or if prior conviction for the offense of Intoxication Manslaughter (fatality-related DUI) (felony): 2 years (minimum) - 10 years, not more than $10,000.

Discretionary Court-Ordered Penalties:

The court may order participation in community supervision (which includes participation in a drug treatment program) in lieu of all or part of the sentence of incarceration, community service in addition to other sanctions, and restitution, and must impose certain fees and costs. The court may also order work release, intermittent sentencing, or electronically monitored house arrest. In certain counties, a drug treatment program must be established as an alternative to incarceration, and each Defendant must at least be screened and assessed for participation. Felony offenders may be confined in a substance abuse treatment facility in lieu of imprisonment for 6 months - 1 year.

For more information:

http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.49.htm

Current as of August 2016