

LAWS RELATING TO IGNITION INTERLOCK REQUIREMENTS

TEXAS

BOND CONDITIONS - CCP 17.441

Driving While Intoxicated, Boating While Intoxicated, Flying While Intoxicated

Offense	Interlock Required
1st	Discretion of judge
.15 BAC or higher	Discretion of judge
Subsequent	Yes, mandatory

Intoxication Assault, Intoxication Manslaughter, DWI w/ Child Passenger

Offense	Interlock Required
1st	Yes, mandatory
Subsequent	Yes, mandatory

AS A CONDITION OF PROBATION - CCP 42A.408

Driving While Intoxicated, Boating While Intoxicated, Flying While Intoxicated, Intoxication Assault, Intoxication Manslaughter

Offense	Interlock Required
1st	Discretion of judge
.15 BAC or higher	Yes, mandatory
Subsequent	Yes, mandatory, not less than 50% supervision period

AS A CONDITION OF DEFERRED ADJUDICATION - CCP.42A.408

Driving While Intoxicated, Boating While Intoxicated

Offense	Interlock Required
1st	Yes, mandatory

DEFENDANTS UNDER 21 YEARS OF AGE, IF PLACED ON PROBATION, CCP 42A.408 (e), TRC 521.342 (b)

Driving While Intoxicated, Boating While Intoxicated, Flying While Intoxicated, Intoxication Assault, Intoxication Manslaughter

Offense	Interlock Required
1st	Yes, mandatory, not less than 50% supervision period
Subsequent	Yes, mandatory, not less than 50% supervision period

CONDITION OF ISSUANCE OF OCCUPATIONAL LICENSE - TRC 521.246

If Defendant has been convicted of an offense of DWI, Intoxication Assault or Intoxication Manslaughter

Offense	Interlock Required
1st	Yes, mandatory
Subsequent	Yes, mandatory, not less than 50% supervision period

The defendant shall obtain the device before the 30th day after the date the defendant is released on bond; or before the 30th day after conviction if placed on probation.

TRC 521.2465

- Interlock for first-time offenders with a blood alcohol concentration (BAC) of .08 or greater for a period of 90 days to one year if they choose to drive during a license suspension.
- Interlocks can still be ordered by the courts.
- Allows for persons arrested for DWI to apply for an interlock 15 days after arrest, or the person can choose not to drive. The time periods a person must go on an interlock are:
 - 1st offense: .08 BAC or greater: 90 days to one year
 - 2nd offense: 180 days to two years
 - 2nd or 3rd offense: one year to two years

Government Code Sec. 411.0731

Allows a person convicted of driving while intoxicated (DWI) with a blood-alcohol concentration of less than .15 to petition for an order of nondisclosure of criminal history related to the offense.

A person can petition for the order only if:

1. Never been convicted or placed on deferred adjudication community supervision for another offense, other than fine- only traffic offenses.
2. Has successfully completed community supervision and any confinement term.
3. All fines, costs, restitution imposed has been paid.

A person may petition the court that placed them on community supervision for an order of nondisclosure only on or after:

- a. Successful completion of community supervision and had an interlock device on the vehicle for no less than 6 months, then the individual can file 2 years after completing community supervision.
- b. If no interlock device was on vehicle, then the wait time is 5 years from when probation successfully completed.

A person that completes a sentence following a first DWI conviction (along with confinement, financial obligations) may petition the court only on or after:

- a. Successful completion of individual's sentence and had an interlock device on the vehicle for no less than six months, then the individual can file 3 years after completing sentence.
- b. If the court that imposed the sentence did not order an interlock condition, then the individual can file 5 years after completing sentence.

