

Misdemeanor DWI Sentencing Summary

Updated 6/28/2016

	DWI (MB) [PC 49.04(a)]	DWI Open Container (MB) [PC 49.04(c)]	DWI > 0.15 (MA) [PC 49.04(d)]	DWI 2nd offense (MA) [PC 49.09(a)]
Range of Punishment:	72 hrs. - 180 days and up to \$2,000 [PC 49.04(b), PC 12.22]	6 days - 180 days and up to \$2,000 [PC 49.04(c), PC 12.22]	up to 1 year and/or up to \$4,000 [PC 49.04(d), PC 12.21]	30 days - 1 year and up to \$4,000 [PC 49.09(a)]
Straight Jail Plea Ignition Interlock	Discretionary (not required)	Discretionary (not required)	Discretionary (not required)	MANDATORY if prior w/in 5 yrs. (ofns. date to ofns. date). Interlock begins on date DL susp. ends and continues for one year. [PC 49.09(h)]
Straight Jail Plea DL Suspension	90 d. - 1 yr. (Includes 2nd pun. as 1st) [TRC 521.344(a)(2)(A)]; <u>UNLESS</u> : Controlled Substance = min. 180 d. [TRC 521.372]; or < 21 = 1 yr. [TRC 521.234(b)]	90 d. - 1 yr. (Includes 2nd pun. as 1st) [TRC 521.344(a)(2)(A)]; <u>UNLESS</u> : Controlled Substance = min. 180 d. [TRC 521.372]; or < 21 = 1 yr. [TRC 521.234(b)]	90 d. - 1 yr. (Includes 2nd pun. as 1st) [TRC 521.344(a)(2)(A)]; <u>UNLESS</u> : Controlled Substance = min. 180 d. [TRC 521.372]; or < 21 = 1 yr. [TRC 521.234(b)]	180 d. - 2 yrs. <u>UNLESS</u> : prior w/in 5 yrs, then suspension is 1-2 yrs., if punished as a DWI 2nd [TRC 521.344(a)(2)(C)]
Straight Jail Plea Credit ALR Susp.?	YES, <u>UNLESS</u> prior Ch.49 conv. or < 21 [TRC 521.344(c)(1),(2)]	YES, <u>UNLESS</u> prior Ch.49 conv. or < 21 [TRC 521.344(c)(1),(2)]	YES, <u>UNLESS</u> prior Ch.49 conv. or < 21 [TRC 521.344(c)(1),(2)]	NO
Probation Plea Shock Jail Time	0 - 30 days	0 - 30 days	0 - 30 days	72 hours min., <u>UNLESS</u> prior w/in 5 years, then 5 day min. [CCP 42.12§13(1)]
Probation Ignition Interlock 50% min & w/in 30 d	Not Required, <u>UNLESS</u> : Under 21; [CCP 42.12§13(n)(2)] BAC > 0.15 [CCP 42.12§13(i)]	Not Required, <u>UNLESS</u> : Under 21; [CCP 42.12§13(n)(2)] BAC > 0.15 [CCP 42.12§13(i)]	MANDATORY [CCP 42.12§13(i)]	MANDATORY if prior w/in 10 years or if BAC > 0.15. [CCP 42.12§13(i)]

<p style="text-align: center;"><u>Probation</u> DL Suspension</p>	<p>90 - 365 d., but CS stays susp. if edu. prog. [PC 42.12§13(h),(i)]; <u>UNLESS</u> < 21, then mandatory 1 yr. <u>UNLESS</u> Interlock ordered [TRC 521.342(b)]; or <u>UNLESS</u> jury rec.'s no DL Susp. [CCP 42.12§13(h)]</p>	<p>90 - 365 d., but CS stays susp. if edu. prog. [PC 42.12§13(h),(i)]; <u>UNLESS</u> < 21, then mandatory 1 yr. <u>UNLESS</u> Interlock ordered [TRC 521.342(b)]; or <u>UNLESS</u> jury rec.'s no DL Susp. [CCP 42.12§13(h)]</p>	<p>90 - 365 d., but CS stays susp. if edu. prog. [PC 42.12§13(h),(i)]; <u>UNLESS</u> < 21, then mandatory 1 yr. <u>UNLESS</u> Interlock ordered [TRC 521.342(b)]; or <u>UNLESS</u> jury rec.'s no DL Susp. [CCP 42.12§13(h)]</p>	<p>180 d. - 2 yrs, <u>UNLESS</u> prior is w/in 5 years, then 1 - 2 yrs. [CCP 42.12§13(k)]</p>
<p style="text-align: center;"><u>Probation Credit</u> ALR Susp.?</p>	<p>YES, <u>UNLESS</u> prior Ch.49 conv. or < 21 [TRC 521.344(c)(1),(2)]</p>	<p>YES, <u>UNLESS</u> prior Ch.49 conv. or < 21 [TRC 521.344(c)(1),(2)]</p>	<p>YES, <u>UNLESS</u> prior Ch.49 conv. or < 21 [TRC 521.344(c)(1),(2)]</p>	<p style="text-align: center;">NO</p>

(ALR Suspension Periods for Adults: FAILURE = 90 d. 1st offense / 1 yr. Subsequent; REFUSAL = 180 d. 1st Offense / 2 yrs. Subsequent)