

# LAWS RELATING TO IGNITION INTERLOCK REQUIREMENTS

## 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, DWI w/ Child Passenger*

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



## 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, DWI w/ Child Passenger*

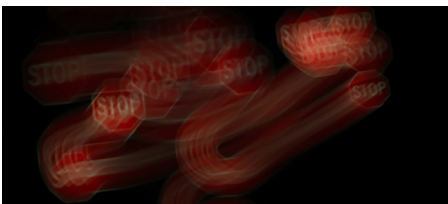
Offense	Interlock Required
1st	Yes, mandatory, not less than 50% supervision period
Subsequent	Yes, mandatory, not less than 50% supervision period

## CONDITION OF ISSUANCE OF OCCUPATIONAL LICENSE - TRC 521.246

*If Defendant has been convicted of an offense of DWI, Boating While Intoxicated, Flying While Intoxicated, Intoxication Assault, Intoxication Manslaughter, DWI w/ Child Passenger*

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

# LAWS RELATING TO IGNITION INTERLOCK REQUIREMENTS



***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:	2nd offense:	2nd or 3rd offense:
.08 BAC or greater: 90 days to one year	180 days to two years	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:***

- 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.
- 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:***

- 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.
- If the court that imposed the sentence did not order an interlock condition, then the individual can file 5 years after completing sentence.