

**Texas DWI Punishment, License Suspension, Interlock, and Surcharge Summary with Citations**

Charge	Sentence Range	Days as a Condition of Probation	License Suspension	Interlock	Surcharge
1st DWI - Penal Code 49.04 (b) Class B	72 hours to 180 days; PC 49.04(b); Fine Up to \$2,000 PC 12.22	0 to 30 days CCP Art. 42A.302(a)(1)	90 to 365 days; TC 521.344(a)(2)(A); <b>Unless:</b> Under 21 at the time of offense - 1 year Trans. Code 521.342(b)	Discretionary as condition of probation CCP 42A.408. Mandatory as condition of probation if Under age 21 CCP Art. 42A.408 ( e )	\$1,000 for 3 years TC 708.102(a)(c)
1st DWI with Open Container - Penal Code 49.04 ( c ) Class B	6 to 180 days; PC 49.04(c); Fine Up to \$2,000 PC 12.22	0 to 30 days CCP Art. 42A.302(a)(1)	90 to 365 days; TC 521.344(a)(2)(A); <b>Unless:</b> Under 21 at the time of offense - 1 year Trans. Code 521.342(b)	Discretionary as condition of probation CCP 42A.408. Mandatory as condition of probation if Under age 21 CCP Art. 42A.408 ( e )	\$1,000 for 3 years TC 708.102(a)(c)
1st DWI with BAC 15 or Greater - Penal Code 49.04 (d) Class A	0 days to 1 year; PC 49.04(d); Fine Up to \$4,000 PC 12.21	0 to 30 days CCP Art. 42A.302(a)(1)	90 to 365 days; TC 521.344(a)(2)(A); <b>Unless:</b> Under 21 at the time of offense - 1 year Trans. Code 521.342(b)	Required PC 49.09(g), Mandatory as a condition of probation CCP Art. 42A.408 (c)(1)	\$2,000 for 3 years TC 708.102(a)(c)(2) if .16 or greater at the time of testing.
2nd DWI - Penal Code 49.09 (a) Class A	30 to 365 days; PC 49.09(a); Fine Up to \$4,000 PC 12.21	72 hours to 30 Days; unless with prior offense w/in 5 years 5 to 30 days; CCP Art 42A.401 (1)(2)	180 days to 2 years; TC 521.344(a)(2)(B)	Mandatory for at least one year if second DWI within 5 years. PC 49.09(h); Mandatory as a condition of probation, 42A.408 (c)(2)	\$1,500 for 3 years TC 708.102(a)(c)(1) if prior is within 36 months, or \$2,000 for 3 years TC 708.102(a)(c)(2) if .16 or greater at the time of test.
DWI Felony Repetition Penal Code 49.09 (b)(2) Third Degree	2 to 10 years, TDCJ; Up to \$10,000 PC 12.34	10-180 days, Art. 42A.401(3)	180 days to 2 years; TC 521.344(a)(2)(B)	Mandatory for at least one year if second DWI within 5 years. PC 49.09(h); Mandatory as a condition of probation, 42A.408 (c)(2)	\$1,500 for 3 years TC 708.102(a)(c)(1) if prior is within 36 months, or \$2,000 for 3 years TC 708.102(a)(c)(2) if .16 or greater at the time of test.
1st BWI Class B	72 hours to 180 days; PC 49.06(b); Fine Up to \$2,000 PC 12.22	0 to 30 days CCP Art. 42A.302(a)(1)	90 to 365 days; TC 521.344(a)(2)(A); <b>Unless:</b> Under 21 at the time of offense - 1 year Trans. Code 521.342(b)	Discretionary as condition of probation CCP 42A.408. Mandatory as condition of probation if Under age 21 CCP Art. 42A.408(e)	\$1,000 for 3 years TC 708.102(a)(c)
2nd BWI Class A	30 to 365 days; PC 49.09(a); Fine Up to \$4,000 PC 12.21	72 hours to 30 Days; unless with prior offense w/in 5 years 5 to 30 days; CCP Art 42A.401 (1)(2)	180 days to 2 years; TC 521.344(a)(2)(B)	Mandatory for at least one year if second DWI within 5 years. PC 49.09(h); Mandatory as a condition of probation, 42A.408 (c)(2).	\$1,500 for 3 years TC 708.102(a)(c)(1) if prior is within 36 months, or \$2,000 for 3 years TC 708.102(a)(c)(2) if .16 or greater at the time of test.

DWI Child Passenger - Penal Code 49.045 State Jail Felony	180 days to 2 years State Jail, Fine Up to \$10,000 PC 12.35	0-180 days	90 to 365 days; TC 521.344(a)(2)(A); <b>Unless:</b> Under 21 at the time of offense - 1 year Trans. Code 521.342(b)	Discretionary as condition of probation CCP 42A.408. Mandatory as condition of probation if Under age 21 CCP Art. 42A.408(e)	\$1,000 for 3 years TC 708.102(a)(c) or \$2,000 for 3 years if BAC was .16 or greater at the time of testing. TC 708.102(a)(c)(2)
Flying While Intoxicated - Penal Code 49.05 Class B Misdemeanor	72 hours to 180 days; PC 49.04(b); Up to \$2,000 PC 12.22	0 to 30 days CCP Art. 42A.302(a)(1)		Discretionary as condition of probation CCP 42A.408. Mandatory as condition of probation E15 Under age 21 CCP Art. 42A.408(e)	\$1,000 for 3 years TC 708.102(a)(c) or \$2,000 for 3 years if BAC was .16 or greater at the time of testing. TC 708.102(a)(c)(2)
Intoxication Assault Penal Code 49.07 Third Degree Felony	2 to 10 years, TDCJ; Up to \$10,000 PC 12.34	30-180 days Art. 42A.401(a)(4)	90 to 365 days; TC 521.344(a)(2)(A); <b>Unless:</b> Under 21 at the time of offense - 1 year Trans. Code 521.342(b)	Discretionary as condition of probation CCP 42A.408. Mandatory as condition of probation if Under age 21 CCP Art. 42A.408(e)	\$1,000 for 3 years TC 708.102(a)(c) or \$2,000 for 3 years if BAC was .16 or greater at the time of testing. TC 708.102(a)(c)(2)
Intoxication Manslaughter Penal Code 49.08 Second Degree	2 to 20 years TDCJ; Fine Up to \$10,000 PC 12.33	120-180 days Art. 42A.401(a)(5)	180 days - 2 years, Trans. Code Sec. 521.344 (b)(2)	Discretionary as condition of probation CCP 42A.408. Mandatory as condition of probation if Under age 21 CCP Art. 42A.408(e)	\$1,000 for 3 years TC 708.102(a)(c) or \$2,000 for 3 years if BAC was .16 or greater at the time of testing. TC 708.102(a)(c)(2)