



THE BASSETT FIRM
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CONSEQUENCES OF A DWI CONVICTION

During the holiday season we discussed the fact a DWI arrest needs to be dealt with on two fronts: (1) at the County level (criminal charges filed by the District Attorney's Office) and (2) at the Administrative level (driver's license revocation proceedings filed by the Texas Department of Public Safety). As previously discussed, it is imperative that someone charged with a DWI confront both issues head on, and seek representation by an experienced attorney that knows what they are doing.

Also, there are important consequences to a DWI conviction. Some of these consequences include: (1) various conditions of probation (community supervision) and (2) a Texas driver's license surcharge.

Conditions of Community Supervision:

If you receive probation as a result of DWI conviction (either following a plea bargain or via a verdict by the judge/jury) you are entering into an agreement between you and the Court. There are various conditions of community supervision that must be followed so that you do not breach your contract with the Court. Some of the possible conditions of community supervision are as follows:

- ★ Pay a fine;
- ★ Pay court costs;
- ★ Report once a month to a probation officer;
- ★ Not commit any further crimes during the term of probation;
- ★ Pay a monthly supervisory fee to the probation office (approximately \$50.00);
- ★ Perform a specified number of community service hours during the term of your probation (between 24 and 80 hours). Community services hours include volunteer work that is done to benefit the community;
- ★ To attend DWI Awareness Classes dealing with the affects of alcohol or listening to victims of DWI related tragedies;
- ★ To abstain from consuming alcohol for the term of your probation;
- ★ To submit to a breath test by law enforcement or Court personnel upon request;
- ★ To make a \$50.00 donation to M.A.D.D. or Crime Stoppers;

- ★ To remain within the county of your residence unless given permission by the Court to leave; and
- ★ Any other requirements the Court sets for you.

A little known consequence of a high alcohol concentration level is having to have an interlock device installed on your vehicle as a condition of community supervision. Under TEX. COD. CRIM. PROC. ART. 42.12 § 13(i), if it is shown on the trial of the offense that an analysis of the specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15% or more at the time the analysis was performed, the Court **shall** require as a condition of community supervision that the Defendant have an interlock device installed on the appropriate vehicle. Further, the Defendant will be ordered not to operate any motor vehicle unless the vehicle is equipped with that device.

Once the interlock device is installed, the individual on DWI probation will be unable to start their vehicle without breathing into the interlock device and having it determine that you have not consumed alcohol. There is a monthly cost associated with an interlock device, and the associated stigma of having that device placed in your vehicle.

Although the device does decrease your opportunities to drink and drive, it also may have detrimental effects on your personal and business relationships. Accordingly, an alcohol concentration level of 0.15% or more at the time the analysis was given/performed can have significant consequences.

Texas Driver's License Surcharge:

Since 2003, the Texas Department of Public Safety has been authorized to levy a surcharge in DWI offenses. The surcharge, or administrative penalty, is a fee for a person to maintain their driver's license after they have suffered either a DWI conviction or submitted to a chemical test which showed an alcohol concentration of 0.16% or more. The surcharge is assessed for three years following either of these events.

The surcharges that can be charged by the Texas Department of Public Safety are as follows:

- ★ \$1,000.00 per year for a DWI first conviction;
- ★ \$1,500.00 per year for a person who has been previously convicted of a DWI within a 36 month period preceding the date of the relevant conviction; and
- ★ \$2,000.00 per year for a person who gives a blood, breath, or urine specimen that shows an alcohol concentration of 0.16% or higher, regardless of any past DWI convictions.

Accordingly, the administrative penalty can range from \$1,000.00 to \$2,000.00 **per year** for three years. Depending on the case, an individual could be facing a \$6,000.00 fee over three years just to keep their driver's license. Failure to pay the surcharge or enter into an installment agreement within a 30-day period will result in an automatic license suspension. Also, your license won't be reinstated until the remaining balance is paid in full.

BE SAFE & INFORMED

It goes without saying that the safest thing to do is **not drink and drive**. However, if you choose to consume alcohol and get behind the wheel of a motor vehicle, you need to be mindful of the possible consequences under Texas Law. Often times, individuals are not aware of the consequences of a DWI conviction until it is too late. Accordingly, it is important to get timely and informed advice, sooner rather than later.

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