

Ignition Interlock Basics

Condition of Bond

Art. 17.441 Code of Criminal Procedure

Mandatory for:

- DWI Subsequent offense
- DWI with Child Passenger (Effective 9/1/19)
- Intoxication Assault
- Intoxication Manslaughter

Waiver: must find that to require the device would not be in the best interest of justice (17.441(c))

Installation: before 30th day (Art. 17.441(c))

Monitoring: Magistrate may designate an appropriate agency to verify installation and monitor (17.441(d))

Condition of Community Supervision

Art. 42A.408 Code of Criminal Procedure

Mandatory for:

- DWI Subsequent Offense
- Intoxication Assault
- Intoxication Manslaughter
- >0.15 BAC
- Under 21 YOA

Term: At least 50% of the term of supervision

Installation: before the 30th day after the order

Condition of Deferred Adjudication (Effective offenses on or after 9/1/19)

HB 3582 by Murr
Art. 42A.408(e-1)

IID required on each motor vehicle owned or operated by the defendant

Condition required that defendant not operate any motor vehicle that is not equipped with an IID

If the judge finds the defendant indigent, the judge may waive installation charge and reduce the monthly monitoring fee by 50%

Waiver: if, based on a controlled substance and alcohol evaluation of the defendant, the judge determines and enters in the record that restricting the defendant to use of an ignition interlock is not necessary for the safety of the community.

After a Jail Sentence for DWI-Subsequent Offense

Section 49.09 (h) Penal Code

Required for a subsequent conviction committed within 5 years of the most recent prior conviction.

IID must be installed on EACH vehicle owned or operated by the defendant

Installation is required for one year beginning after the DL suspension is completed

As a Condition of an Occupational License

Required for an Ignition Interlock License granted under Texas Transportation Code 521.252(d-1).

Term is for the entire period of suspension

If license is suspended after a conviction for an offense under Sections 49.04-49.08 of the Penal Code (DWI, DWI w/Child Passenger, FWI, BWI, Assembling or Operating an Amusement Ride, Intox. Assault and Intox. Manslaughter) the court SHALL order an IID and restrict the person to the operation of a motor vehicle equipped with an IID. (TTC 521.246)

Term is for the entire period of suspension