

DWI/DUI Research Guide

Overview

This research guide includes information and resources on Driving While Intoxicated (DWI) and Driving Under the Influence (DUI) cases. Texas Penal Code states that “a person commits an offense if the person is intoxicated while operating a motor vehicle in a public place.” (*Penal Code §49.04*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Code of Criminal Procedure

- §14.031 Public Intoxication
<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.14.htm#14.031>
- §18.067 Execution of Warrant for Blood Specimen in Intoxication Offense
<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.18.htm#18.067>
- §38.50 Toxicological evidence
<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.38.htm#38.50>

Texas Penal Code

- § 8.04 Defense (Intoxication)
<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.8.htm#8.04>
- Ch. 49 Intoxication and Alcoholic Beverage Offenses
<https://statutes.capitol.texas.gov/Docs/PE/htm/PE.49.htm>

Secondary Resources in Print

Texas DWI Defense: The Law and Practice REF KFT 1497.8 .C64

Texas DWI Manual REF KFT 1497.8 .G73

- Ch. 3 Administrative Driver's License Revocation Hearings
- Ch. 4 Occupational Driver's License
- Ch. 9 Driving Under the Influence of Drugs
- Ch. 13 The Elements of DWI

Texas Criminal and Motor Vehicle Code REF KFT 1761 .A29 T4955

Texas Criminal Forms REF KFT 1775 .A6G5

- Vol. 1, Ch. 10 Motions in DWI Cases
 - Form 10-18 Order to Remove Interlock Device
 - Form 10-18.1 Defendant's Motion for Removal of Deep-Lung Breath Analysis Mechanism (Over Half of Probationary Period Completed)
 - Form 10-18.2 Defendant's Motion for Removal of Deep-Lung Breath Analysis Mechanism (Probationary Period Expired)
 - Form 10-18.3 Defendant's Motion for Removal of Deep-Lung Breath Analysis Mechanism (Defendant No Longer Owns Vehicle)

Texas Litigation Guide REF KFT 1730 .T4

- Vol. 19A, §19A:300.04[2] Evidence at automobile accidents
- Vol. 20, §20:335.03[2][a] Blood test as invasion of privacy; §20:335.03[2][a] Breathalyzer test as invasion of privacy

O'Connor's Texas Causes of Action REF KFT 1733 .026

- Ch. 9 Dram-Shop Liability

Texas Criminal Practice Guide REF KFT 1775 .T49

- Vol. 2, Ch. 61 Use of Scientific and Expert Evidence
- Vol. 2, Ch. 62 Discovery
- Vol. 4, Ch. 82 Community Supervision
- Vol. 5, Ch. 124 §5:124.04[2] felony murder charge based on prior DWI convictions
- Vol. 6, Ch. 128 Driving Offenses

Texas Criminal Jury Charges REF KFT 1783 .M35

- Vol. 2, Ch. 11 Offenses Against Public Health, Safety, and Morals – Section IV. Motor Vehicle and Intoxication Offenses

Texas Criminal Pattern Jury Charges REF KFT 1783 .A65 S7T4

- Ch. 40 Intoxication Offenses

O'Connor's Texas Crimes & Consequences REF KFT 1761 .Z9D87

- Ch. 15-A Chart 15-A-241 et seq Penal Code Chapter 49 – Intoxication & Alcoholic Beverage Offenses

O'Connor's Texas Criminal Offenses & Defenses Expert Series REF KFT 1766.8 W66

- Ch. 34 Driving While Intoxicated

Texas Liquor Liability Practice Manual KFT 1397 .I5 M37

Traffic Stops KFT 1776.5 B43

- Driving while intoxicated, 2, 14, 16, 19, 22-23, 32, 40, 43-44, 53, 66-68, 77, 80

Punishment & Probation KFT 9750 B4

- Intoxication Offenses, 7, 9, 15, 17, 28, 32, 37
- Ignition Interlock, 31-32, 75-76, 79, 82

Innovative DUI Trial Tools KF 2231 D534

CLE Materials

Advanced Criminal Law Course KFT 1761 .S7

- 2019 Ch. 28: DWI: Broadening the Net by Sean Teare
- 2019 Ch. 29: Prosecution Perspective: Driving While Drugged – A Case Study
- 2019 Ch. 30: Pursuing Nondisclosure: Protection from Disclosure of Criminal History Records Following a DWI Conviction

Handling Your First or Next DWI KFT 1497.8 .H36

- 2021 *(PDF only)*
- 2015 *(available in print)*

Online Resources

Impaired Driving and Penalites – DUI/DWI (TXDOT)
<https://www.txdot.gov/safety/driving-laws/impaired-driving.html>

DWI Laws and Consequences (Texas Impaired Driving Task Force)
<https://www.texasimpaireddrivingtaskforce.org/about/dwi-laws-and-consequences/>

Texas Drunk Driving Laws, Penalties, and Consequences (NOLO)
<https://dui.drivinglaws.org/texas.php>

Texas DWI Laws and Penalties (NOLO)
<https://www.nolo.com/legal-encyclopedia/texas-dui-dwi-33675.html>

DWI and DUI in Texas: What's the Difference? (Attorney Blog)
<https://www.smithandvinson.com/blog/2017/july/dwi-and-dui-in-texas-whats-the-difference-/>

DWI vs. DUI: How Texas Drunk Driving Law Differs (Attorney Blog)
<https://sharpcriminalattorney.com/houston-dwi-defense/dwi-vs-dui-differences/>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)



