

## **LAWS RELATING TO IGNITION INTERLOCK REQUIREMENTS**

### **Bond Conditions**, CCP, 17.441

Driving While Intoxicated, Boating While Intoxicated, Flying While Intoxicated

<b>Offense</b>	<b>Interlock Required</b>
1st	Discretion of Judge
.15 BAC or higher	Discretion of Judge
Subsequent	Yes, Mandatory

Intoxication Assault, Intoxication Manslaughter

<b>Offense</b>	<b>Interlock Required</b>
1st	Yes, Mandatory
Subsequent	Yes, Mandatory

### **As a Condition of Probation**, CCP, 42.12

Driving While Intoxicated, Boating While Intoxicated, Flying While Intoxicated

<b>Offense</b>	<b>Interlock Required</b>
1st	Discretion of Judge
<b>.15 BAC or higher</b>	<b>Yes, Mandatory</b>
Subsequent	Yes, Mandatory, Not less than 50% supervision period

Intoxication Assault, Intoxication Manslaughter

<b>Offense</b>	<b>Interlock Required</b>
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, 42.12 (n) TRC 521.342 (b)

Driving While Intoxicated, Boating While Intoxicated, Flying While Intoxicated, Intoxication Assault, Intoxication Manslaughter

<b>Offense</b>	<b>Interlock Required</b>
1st	Yes, Mandatory , Not less than 50% of supervision period
Subsequent	Yes, Mandatory, Not less than 50% of supervision period

### **Condition of Issuance of Occupational License**, TRC 521.246

If Defendant has been convicted of an offense of DWI, Intoxication Assault or Intoxication Manslaughter

<b>Offense</b>	<b>Interlock Required</b>
1st	Discretion of Judge
Subsequent	Yes, Mandatory, Not less than 50% of supervision period

- **Defendant shall obtain device before 30th day after arrest if on bond; or before the 30th day after conviction if placed on probation.**

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On Sept. 1, 2005, CCP amended

**Code of Criminal Procedure, Chapter 42. Judgment and Sentence  
Art. 42.12 Community Supervision § 13 DWI Community Supervision**

Amends subsection (1) to require as a condition of community supervisions that the defendant drive with an ignition interlock device if the defendant had an alcohol concentration level of 0.15 or more.

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**Summary of Administrative Regulations in the Texas Administrative Code dealing with Texas Ignition Interlock device regulations. For more information concerning these regulations: [www.txdps.state.tx.us](http://www.txdps.state.tx.us)**

**Texas Administrative Code, Ch. 19. Sec. 21 – 29.**

**§ 19.24 (b)(6) Violation Lockout:** When violations trigger a lockout condition requiring a violation reset, the device will enter the lockout condition after 72 hours.

**§ 19.25 (a) Maintenance and Calibration requirement:** The device shall be inspected, maintained and checked for calibration and accuracy at least once every sixty (60) days, and more frequently if necessary.

*Smart Start has always maintained a monitoring standard of 30 days. We will continue to require our Interlock clients return every 30 days.*

**§ 19.26 (a) Testimony:** It is the responsibility of the manufacturer to provide expert or required testimony as to the method of manufacture of the device, functionality, and testing protocol. In the event it becomes necessary for TDPS to provide the testimony, the Manufacturer will Reimburse, TDPS for any costs incurred in providing the testimony.

*Smart Start provides testimony concerning our client's records, when requested, at no charge to the court or our client.*

**§ 19.27 (c) (6) Monthly service calibration appointments:** In the event the customer returns to the service center absent their vehicle, or someone other than the customer returns with the vehicle, such fact(s) must be made available to the appropriate judicial authority.

**§ 19.27 (c) (7) (A) (B) (C) Removals:** NO IID shall be removed without authorization from the appropriate judicial authority and such removal shall be documented.

All IID service centers are prohibited from removing the device of another vendor except in an emergency or unless authorized by the appropriate judicial authority.

When a customer desires to change from one vendor to another, only an appropriate judicial authority shall authorize the removal and transfer. The appropriate judicial authority must then further dictate the procedure by which the IID customer acquires another vendor's device.

*It has always been Smart Starts desire to follow the local policy of the judicial authorities; TDPS regulations, no longer allow us to remove an IID or transfer an IID to another company without judicial authority permission. Smart Start does not require an "order" of removal but, we must receive authorization (verbal or written) from the authority.*