

If you had been arrested for DWI in Lubbock, a **DWI legal professional in Lubbock** might actually help bear in mind what takes place next and what is at stake. A DWI arrest can have an effect on your motive force's license, your offender report, and in some situations your freedom if the cost ends in jail time or felony time. Just as useful, there's a brief time limit to look after your license. Under Texas regulation, you most likely have 15 days from receiving discover of suspension to request an ALR listening to, and in many blood scan circumstances the closing date is 20 days from the mailing date of the awareness (Tex. Transp. Code §§ 524.031, 724.041). That deadline starts off from understand, now not from the date of arrest.

Texas Criminal Defense Group delivers a free consultation for worker's arrested for DWI in Lubbock County. If you choose transparent answers about your license, the rate, or the proof, call **(806) 542-3513**.

What Happens After a DWI Arrest in Lubbock

After a DWI arrest, you are always booked into prison, taken ahead of a magistrate, and published once bond is published if release is allowed. In Lubbock County, workers arrested within the county are booked into the **Lubbock County Detention Center, 3502 N. Holly, Lubbock, TX 79403**, which is run by way of the Lubbock County Sheriff's Office.

Texas legislation calls for an **appearance prior to a magistrate** with out needless extend and inside 48 hours of arrest (Tex. Code Crim. Proc. Art. 15.17). The Sheriff's Office says those hearings are held a minimum of two times everyday and are reside-streamed. Bond may be posted at the penal complex bond window or as a result of a bail bond agency.

Many DWI arrests within the neighborhood involve the Lubbock Police Department, the Lubbock County Sheriff's Office, the Texas Department of Public Safety, or the Texas Tech University Police Department. The prosecutor for misdemeanor and felony DWI cases in Lubbock County is the Lubbock County Criminal District Attorney's Office.

You might also get hold of forms tied in your motive force's license. If an officer asks for a breath specimen or blood specimen after a DWI arrest, Texas implied consent legislations applies (Tex. Transp. Code § 724.011). The officer reads the **DIC-24 statutory warning** (Tex. Transp. Code § 724.1/2). In many instances, the officer also serves a **DIC-25 Notice of Suspension**, which explains the license suspension method.

It additionally allows to split three numerous ranges:

- **Arrested** capacity regulation enforcement took you into custody.
- **Charged** manner a prosecutor filed a criminal case.
- **Convicted** way there was a responsible discovering, accountable plea, or exact other result famous by using law.

Those levels will not be the similar. An arrest for DWI does now not suggest a conviction.

How Texas Law Defines DWI

In Texas, DWI approach working a motor car in a public location when intoxicated (Tex. Penal Code § 49.04). That definition is broader than many people anticipate.

The State has **two self sufficient ways** to try to turn out intoxication under Texas legislation (Tex. Penal Code § 49.01(2)). The first is that you did not have the ordinary use of your intellectual or actual schools on account of

alcohol, a managed substance, a drug, a risky drug, a mix of those components, or any other substance. The moment is that your alcohol attention become 0.08 or more.

That matters on account that someone could be arrested and charged even supposing a test outcomes is underneath 0.08. If the State claims your widely used use of psychological or bodily faculties changed into affected, it could proceed beneath that conception.

Texas regulation also makes transparent that tablets and prescription medicinal drugs will also be part of a DWI case. A valid prescription isn't always, by way of itself, a safety to DWI (Tex. Penal Code § 49.10). In undeniable phrases, if a substance affects your primary use and the State believes you have been operating in a public position, a DWI payment can keep on with.

“Operating” is pretty much an useful situation in a case since the State still has to turn out you had been working the car or truck. “Public location” is likewise broader than a freeway. Under Texas legislation, a public region consists of regions equivalent to parking loads and rental widely wide-spread places (Tex. Penal Code § 1.07).

Texas additionally has a separate lower than-21 offense known as **DUI by a minor**. That offense applies to drivers below 21 with any detectable volume of alcohol (Tex. Alco. Bev. Code § 106.041). It is a Class C misdemeanor. It seriously isn't a lesser variant of DWI, and adults can not be charged with it. A motive force lower than 21 can nonetheless be charged with full DWI if the data help it.

Texas DWI Penalties, Current as of September 2026

Texas DWI consequences depend on the statistics, your report, and even if someone became injured or a child used to be involved. The table less than summarizes the offense degrees indexed in the Texas Penal Code and Transportation Code.

Offense Statute Offense Level Confinement Maximum Fine --- --- --- --- --- First DWI Tex. Penal Code §§ 49.04(b), 12.22 Class B misdemeanor Minimum 72 hours, up to a hundred and eighty days in county reformatory \$2,000 First DWI with open box in quick possession Tex. Penal Code § forty nine.04(c) Class B misdemeanor Minimum 6 days, up to one hundred eighty days in county penitentiary \$2,000 DWI with alcohol focus of 0.15 or greater at time of evaluation Tex. Penal Code §§ 49.04(d), 12.21 Class A misdemeanor Up to one year in county reformatory \$4,000 DWI in tuition crossing quarter at the same time as lowered faculty pace decrease applies Tex. Penal Code §§ 49.04(e), 12.35 State reformatory felony a hundred and eighty days to two years in country jail \$10,000 DWI with passenger young than 15 Tex. Penal Code § 49.05 State penal complex felony 180 days to two years in state penitentiary \$10,000 Second DWI Tex. Penal Code § forty nine.09(a) Class A misdemeanor Minimum 30 days in county reformatory, up to one yr \$4,000 Third DWI Tex. Penal Code §§ forty nine.09(b)(2), 12.34 Third-level prison 2 to 10 years in legal \$10,000 Intoxication attack Tex. Penal Code § 49.07 Third-degree felony 2 to 10 years in penal complex \$10,000 Intoxication manslaughter Tex. Penal Code §§ forty nine.08, forty nine.09(b-2) Second-level criminal, or first-measure legal in special situations 2 to 20 years in criminal for moment-degree stove \$10,000 Boating even though intoxicated Tex. Penal Code § 49.06 Class B misdemeanor Minimum seventy two hours, as much as one hundred eighty days in county penitentiary \$2,000
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A remaining conviction might also cause a separate **state fine** below Texas Transportation Code § 709.001. The volume is \$3,000 for a primary conviction inside of a 36 month length, \$four,500 for a 2nd or subsequent conviction within 36 months, or \$6,000 if the alcohol concentration became 0.15 or more. The court must waive that nation nice if the person is came upon indigent.

Protecting Your Driver's License

Protecting your license in most cases begins with the ALR application, that is a separate suspension approach from the criminal case. Texas rules offers such a lot folk a brief time to behave once they be given note (Tex. Transp. Code §§ 524.031, 724.041).

The ALR listening to and suspension lengths

You regularly have **15 days from receiving the attention of suspension** to request an ALR hearing. In many blood try situations, DPS mails the attention later, and the request is due **20 days from the mailing date**. If no hearing is requested, the suspension broadly speaking starts off at the fortieth day after note. If a timely request is made, the suspension does now not birth until the executive legislations judge later upholds it.

ALR hearings are treated by using the **State Office of Administrative Hearings**, incessantly often known as SOAH, formerly an administrative law decide. The safety can subpoena the arresting officer, which may just provide your attorney a helpful early look into the proof.

Here are the person ALR suspension durations:

| ALR challenge | Suspension length | |---|---| | Failed try out | ninety days | | Failed try with past alcohol-similar or drug-same enforcement touch inside 10 years | 12 months | | Refused attempt | a hundred and eighty days | | Refused take a look at with previous alcohol-linked or drug-related enforcement touch inside 10 years | 2 years |

These suspension lengths come from Texas Transportation Code §§ 524.022 and 724.half. ALR suspensions will not be probated. The reinstatement payment is \$a hundred twenty five (Tex. Transp. Code § 724.046).

A first DWI conviction may also bring a separate license suspension of 90 days to at least one year (Tex. Transp. Code § 521.344(a)). That skill the license predicament does no longer necessarily quit with the ALR activity.

Occupational motive force's license

An occupational driver's license, also referred to as an standard desire license, might also enable constrained driving all through a suspension (Tex. Transp. Code § 521.2421). For an ALR-simply suspension, the petition goes to a court docket inside the county wherein you are living or wherein the arrest took place. For a suspension after conviction, the petition must be filed with the court of conviction.

Texas got rid of the outdated needed waiting sessions in 2023. The court docket have got to order alcohol-dependence counseling except it reveals sturdy lead to no longer to (Tex. Transp. Code § 521.245). By default, using is restrained to 4 hours a day, but the courtroom can let as much as 12 hours on a displaying of desire (Tex. Transp. Code § 521.248(b)).

The courtroom order works as a transitority license for forty five days (Tex. Transp. Code § 521.249). An **SR-22** is needed. No occupational license is ever issued for driving a industrial motor car or truck (Tex. Transp. Code § 521.2424).

Ignition interlock and SR-22

An ignition interlock system would possibly become component of a DWI case at several phases. Texas legislation customarily requires an interlock as a bond situation for repeat DWI rates and for DWI with a little one passenger, intoxication attack, or intoxication manslaughter prices (Tex. Code Crim. Proc. Art. 17.441).

An interlock may be required as a circumstance of group supervision for cases regarding an alcohol attention of zero.15 or greater, repeat offenders, and drivers beneath 21 (Tex. Code Crim. Proc. Art. 42A.408). It can also be required for DWI deferred adjudication group supervision except waived after an overview.

An **SR-22** shouldn't be an insurance coverage. It is a Financial Responsibility Insurance Certificate that your coverage corporation files with DPS.

How a DWI Defense Lawyer Challenges the Evidence

A **dwi security lawyer** appears carefully at how the give up, arrest, testing, and bureaucracy have been treated. The drawback is not very regardless of whether an arrest befell. The problem is no matter if the State can show the price with stable, lawful proof.

The site visitors stop

A visitors discontinue ought to be supported through reasonably priced suspicion, and an arrest must be supported by using probably purpose less than the Fourth Amendment. That recurrently makes the first few minutes of the stumble upon terrific.

An attorney may also evaluation the officer's report, dash-cam pictures, physique-cam photos, and the pointed out motive for the end. If the cease become unlawful, or if the evidence do not beef up possible purpose for arrest, that may have an effect on what proof is perhaps used.

Field sobriety tests

Field sobriety checks will not be required by way of Texas statute, and declining them does not lead to an ALR suspension. The standardized assessments evolved by NHTSA are the horizontal gaze nystagmus verify, the walk-and-turn, and the one-leg stand.

These exams are usually challenged on how they had been defined, how they were scored, and regardless of whether backyard motives affected functionality. Footwear, climate, lights, roadway circumstances, harm, fatigue, and anxiety can all rely while a jury or choose considers what the assessments somewhat convey.

Breath tests

Breath trying out in Texas is finished at the **Intoxilyzer 9000** below the DPS Breath Alcohol Testing Program, with the aid of certified operators (Tex. Transp. Code § 724.016). A DWI defense attorney might also assessment repairs documents, calibration records, and operator archives.

A breath examine consequence is valuable evidence, however it will never be the overall case. The timing of the verify, the surrounding observations, and no matter if proper tactics have been followed can all subject.

Blood checks and seek warrants

Police regularly desire a seek warrant or true emergency situations to take blood with no consent, even in circumstances the place a specimen is another way vital (Tex. Transp. Code § 724.012(e)). Blood needs to be drawn by means of certified personnel in a sanitary location (Tex. Transp. Code § 724.017).

Blood sample dealing with also can be reviewed. The protection may additionally have a look at chain-of-custody documents, lab substances, and the retained sample. Texas legislations helps someone to request complete advice approximately the prognosis (Tex. Transp. Code § 724.018). A man or woman who gave the requested specimen also can, inside of 2 hours of arrest, prepare another self sustaining blood experiment by using a certified someone in their opting for, despite the fact police do no longer have to delivery them (Tex. Transp. Code § 724.019).

People also pay attention the word "No Refusal." That shouldn't be a separate regulation. It normally potential officials may searching for a pass judgement on-signed blood search warrant if an individual refuses, and a refusal nevertheless triggers the ALR suspension.

The zero.15 timing question

The zero.15 enhancement is measured on the time the pattern is analyzed, no longer at the time of using (Tex. Penal Code § 49.04(d)). That can bring up questions on timing and retrograde extrapolation.

In a few situations, the security would observe how a good deal time surpassed among riding, arrest, and trying out. That timing can matter if the State is making an attempt to turn out a Class A price primarily based on a later diagnosis influence.

Possible Outcomes for a First DWI

A first DWI case may result in a couple of unique methods, based on the facts, the facts, and your document. No lawyer can ethically promise a selected consequence, but it supports to recognize the diversity of it is easy to effect.

Dismissal can come about in a few cases if the evidence is weak, key evidence is excluded, or the State chooses now not to continue. A dismissal does now not erase data by itself.

Reduction would turn up in some situations. One relief sometimes seen in Texas is **Obstructing Highway or Other Passageway** (Tex. Penal Code § 42.03). Whether that's plausible depends at the data and the prosecutor.

Deferred adjudication neighborhood supervision has been attainable for a first DWI in view that September 1, 2019 (Tex. Code Crim. Proc. Art. 42A.102). If you accomplished it successfully, there may be no conviction. But it will not be obtainable if the alcohol concentration become zero.15 or extra on the time of the offense, in case you carry a commercial driving force's license or learner's let, if a infant passenger changed into involved, or if the can charge is better. A DWI deferred adjudication still counts as a previous conviction if you are ever charged with DWI returned (Tex. Penal Code § 49.09(g)).

Community supervision (as a rule often called probation) is an alternative a possibility effect (Tex. Code Crim. Proc. Art. 42A.053). Straight neighborhood supervision is a conviction with a probated sentence. For a misdemeanor, network supervision is capped at 2 years, even though it is going to be expanded after a violation.

Conditions on the whole rely. A first offender on neighborhood supervision extensively must accomplished the **DWI Education Program**, that's 12 hours underneath TDLR law and in most cases would have to be completed within one hundred eighty days of being put on network supervision (Tex. Code Crim. Proc. Art. 42A.403). Repeat offenders attend the **DWI Intervention Program**, at the very least 30 hours less than TDLR rules (Tex. Code Crim. Proc. Art. 42A.404).

Trial stays an alternative if the case does no longer solve on appropriate phrases. At trial, the State nevertheless has the burden to turn out guilt beyond an inexpensive doubt.

Records, nondisclosure, and expunction

A DWI document does now not disappear on its own. A Texas DWI conviction stays on a crook checklist permanently unless a specific authorized relief applies.

An **order of nondisclosure** might seal many first DWI files from public view if the case qualifies (Tex. Gov't Code §§ 411.0726, 411.0731, 411.0736). Waiting classes vary:

- 2 years after discharge from deferred adjudication
- 2 years after completing community supervision if an interlock turned into required for at the least 6 months, in any other case 5 years
- three years after a conviction with no supervision if an interlock become required for a minimum of 6 months, differently five years

Nondisclosure is just not achievable for a 0.15 or extra conviction. It can also be **affordable DWI lawyer** denied if the State proves the offense induced a collision concerning one more character. Even while sealed, regulation enforcement and licensing enterprises can still see the report.

Expunction is other. It is ruled via Chapter 55A of the Code of Criminal Procedure. Expunction may possibly apply after an acquittal, after guaranteed dismissals corresponding to finishing touch of a pretrial intervention software lower than Government Code § 76.011, or when rates are in no way filed and waiting sessions flow. A dismissal does no longer erase records via itself. An expunction petition remains required. A conviction that stands won't be expunged, with the exception of in uncommon situations akin to a pardon or definitely-innocence aid.

Repeat and Felony DWI Charges

Repeat and prison DWI costs carry an awful lot bigger risk. Texas rules permits earlier intoxication offenses to reinforce a new case, and people priors be counted irrespective of how outdated they may be (Tex. Penal Code § 49.09(c)).

There is **no 10-yr washout** for DWI enhancements in Texas. Out-of-country priors can be counted. Prior convictions for boating, flying, and enjoyment ride intoxication offenses may count number.

A 2d DWI is a **Class A misdemeanor** with no less than 30 days confinement (Tex. Penal Code § 49.09(a)). A 0.33 DWI is a **1/3-degree felony** punishable by way of 2 to 10 years in legal and a pleasant as much as \$10,000 (Tex. Penal Code §§ forty nine.09(b)(2), 12.34).

DWI lawyer

Some circumstances are felonies even devoid of past DWI convictions. DWI with a passenger more youthful than 15 is a state detention center legal (Tex. Penal Code § forty nine.half). DWI in a faculty crossing sector even as the diminished tuition pace restrict applies can also be a nation reformatory legal lower than modern-day legislations (Tex. Penal Code § forty nine.04(e)).

Bond situations can turn out to be stricter as the stakes rise. Texas regulation in many instances requires an ignition interlock as a bond circumstance for repeat DWI expenditures, youngster passenger instances, intoxication assault, and intoxication manslaughter (Tex. Code Crim. Proc. Art. 17.441).

If a further human being was significantly injured, the State can also report **intoxication assault**, a third-diploma criminal (Tex. Penal Code § 49.07). If a death is alleged, the price is also **intoxication manslaughter**, recurrently a 2d-stage criminal punishable by means of 2 to 20 years in prison (Tex. Penal Code § 49.08). Since September 1, 2025, it is going to be a primary-diploma prison in specific conditions, consisting of while multiple grownup dies within the comparable felony transaction (Tex. Penal Code § 49.09(b-2)).

CDL Holders, Texas Tech Students, and Drivers Under 21

Some drivers face additional penalties backyard the effortless DWI penalty quantity. CDL holders, school students, and drivers beneath 21 all have one of a kind matters to think about.

For **CDL holders**, a zero.04 or greater alcohol focus even though operating a industrial motor car or truck brings a 1-yr commercial license disqualification as an administrative action, not a felony payment (Tex. Transp. Code § 522.081(b)). A first DWI conviction in any car, or refusing or failing a experiment, also brings a 1-yr CDL disqualification, or 3 years if hauling placarded hazardous ingredients. A moment brings a lifetime disqualification (Tex. Transp. Code § 522.081). CDL and industrial learner's permit holders usually are not eligible for DWI deferred adjudication (Tex. Code Crim. Proc. Art. 42A.102).

For **Texas Tech students**, the legal case isn't very continuously the purely approach. A college habits manner also can run individually from the offender case.

For **drivers underneath 21**, Texas has the separate offense of **DUI by using a minor**, which applies to any detectable quantity of alcohol (Tex. Alco. Bev. Code § 106.041). But underneath-21 drivers may additionally be charged with complete DWI if the proof enhance it. If a younger motive force receives network supervision for DWI, Texas rules requires an ignition interlock as a circumstance (Tex. Code Crim. Proc. Art. 42A.408).



A DWI Lawyer Near You in Lubbock

If you were arrested in Lubbock County, assistance is available close to the local course of. Texas Criminal Defense Group is found at **1001 Texas Ave, Lubbock, TX 79401**.

You can call **(806) 542-3513** to agenda a free session. The firm is helping folk arrested for DWI in Lubbock County, inclusive of arrests tied to roads and parts including I-27, Loop 289, Marsha Sharp Freeway, and Broadway. If you're looking on-line for a **DWI lawyer** after an arrest, the instantaneous concerns are on a regular basis your license closing date, bond prerequisites, and what the facts suggests.

Frequently Asked Questions

How lengthy do I must request an ALR listening to after a DWI arrest in Texas?

You regularly have 15 days from receiving the attention of suspension to request an ALR listening to. In many blood experiment situations, DPS mails the notice later, and the time limit is 20 days from the mailing date. If you pass over the cut-off date, the suspension basically starts on the fortieth day after detect.

Is my license suspended top away after a DWI arrest in Lubbock?

No, your license is not really routinely suspended in the meanwhile of arrest. The ALR software is a separate suspension system. If you timely request a hearing, the suspension does not delivery unless the administrative legislations judge later upholds it.

Can I get an occupational license after a DWI suspension?

Yes, many drivers can ask for an occupational driver's license. For an ALR-in basic terms suspension, the petition is going to a courtroom on your county of home or the county in which the arrest happened. For a suspension after conviction, the petition have got to be filed with the court of conviction.

Can a first DWI be a prison in Texas?

Yes, a first DWI can also be a criminal in guaranteed scenarios. Examples embrace DWI with a passenger youthful than 15 and DWI in a tuition crossing area while the diminished faculty velocity minimize applies. A first arrest does now not invariably mean a misdemeanor.

What is the big difference between DWI and DUI in Texas?

DWI and DUI are distinctive offenses [best dwi lawyer texascriminaldefensgroup.com](http://bestdwi.com) in Texas. DWI is the adult intoxication offense beneath the Penal Code. DUI with the aid of a minor is a separate under-21 offense for any detectable amount of alcohol, it is a Class C misdemeanor, and adults are not able to be charged with it.

Does deferred adjudication for DWI remember as a conviction?

Usually, victorious deferred adjudication for a primary DWI way there may be no conviction. But Texas rules treats a DWI deferred adjudication as a prior conviction should you are later charged with DWI lower back. That is why the lengthy-term outcome still topics.

Can I seal or expunge a DWI in Texas?

Sometimes, yet it relies upon on how the case ends. Many first DWI circumstances may qualify later for an order of nondisclosure, which seals the file from public view. Expunction could also be workable after an acquittal, after confident dismissals, or if bills were never filed and ready durations circulate.

What occurs if I refused a breath or blood scan?

A refusal can end in a longer ALR suspension, and the refusal might possibly be used as proof at trial. Police could also be searching for a pass judgement on-signed blood search warrant. The right collection relies at the data, so it is smart to talk with a legal professional as soon as that you can think of after an arrest.

Do I have to do box sobriety checks in Texas?

No Texas statute calls for you to operate subject sobriety tests. Declining them does now not set off an ALR suspension. But officers also can nonetheless make an arrest depending on other observations, and the prosecutor can also nevertheless depend upon the leisure of the evidence.

How lengthy does a DWI dwell in your file in Texas?

A DWI conviction stays on your prison list permanently until a selected prison relief applies. Texas does not routinely take away a conviction after 7 or 10 years. In a few first-offense cases, an order of nondisclosure might later seal the record from public view.

Do I want a attorney for a first DWI offense?

A first DWI continues to be a crook fee with license and rfile results, so felony recommendation will probably be foremost. People customarily look up a **lubbock dwi safeguard lawyer** or a **DWI legal professional close me** using the quick ALR cut-off date and the want to study the discontinue, testing, and achievable case result early.

A DWI arrest can sense overwhelming, but the next steps are in most cases clear once you might have proper facts. Texas Criminal Defense Group is placed at **1001 Texas Ave, Lubbock, TX 79401**. To speak simply by your arrest, your license time limit, and the facts to your case, name **(806) 542-3513** for a free session.

This page supplies well-known advice approximately Texas legislation, not legal counsel. Contacting the enterprise does now not create an lawyer-client dating. Current as of September 2026.