WHAT IS YOUR PATTERN OF DRINKING?

ALCOHOL AWARENESS
Estimates that risks linked to alcohol cause 2.5 million deaths a year from heart and liver disease, road accidents, suicides and cancer – accounting for 3.8 percent of all deaths. It is the third leading risk factor for premature death and disabilities worldwide.
It Only Takes ONE Time
HOW MUCH WILL YOUR FAMILY MISS YOU?
Careless driving, irresponsible driving from use of alcohol & other drugs; lack of sleep, impaired attention will result in the “jaws of life” and changing families’ lives forever.

A roll-off wrecker hits Sean about 10:00 A. M. one morning and packaged his Honda around a tree. The patrol officer told EMT’s, “don’t hurry, he’s dead.” He is in the lower picture. It was a miracle of God that he survived.

How can you live knowing you changed a life?
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Alcohol Awareness Topics

- MODULAR A: Drinking Pattern Defined
  - Binge Drinking Pattern
- MODULAR B: Traffic Deaths and Alcohol
  - Texas Penalty Code Chapter 49
- MODULAR C: Effects of Alcohol on the Mind and Body
  - The difference between Abuse and Dependence
    - The Effects of Alcohol on the Family
- MODULAR D: Alcohol Factors related to Accidents
PRE-TEST (PLEASE ANSWER THE FOLLOWING QUESTIONS AND e-MAIL YOUR ANSWERS TO eva_gregory@ymail.com)

- Name:__________________________________________
- Cell Phone Number:___________________________
- E-mail Address:________________________________
- Cause No.:____________________________________
- Or Docket No.:______________________________
- Probation Officer:______________________________
- Probation Officer's fax number:____________________
- Current Charge:_______________________________
- County and State the offense took place:______________________________.

1. What is BAC?
2. What BAC is the intoxication limit in Texas?
Family Cultures

- There are three family cultures.
- The first family culture views drinking as not acceptable. (Abstinence).
- The second family culture views drinking as okay but do not get drunk. (Moderate). Moderate drinking is considered one drink a day for women and no more than two drinks a day for men.
- The third family culture views drinking as it is okay to drink until you pass out. (Permissive).
- These are points of beliefs that will set your attitude about drinking and using drugs.
U.S. Alcohol Consumption

5% of drinkers consume 40% of the nation’s alcohol

Greenfield TK & Rogers JD.
J Stud Alcohol 60:78 (1999)
Historically and internationally, cultural visions of alcohol and its effects vary in terms of how positive or negative they are and the likely consequences that they attach to alcohol consumption. The dominant contemporary vision of alcohol in the United States is that alcohol is primarily negative and has exclusively hazardous consequences, leads frequently to uncontrollable behavior, and is something that young people should be warned against. The consequences of this vision are that when children do drink (which teenagers regularly do), they know of no alternative but excessive, intense consumption patterns, leading them frequently to drink to intoxication. We will explore alternative models of drinking and channels for conveying them which emphasize healthy versus unhealthy consumption patterns as well as the individual’s responsibility to manage his or her drinking. The ultimate goal is for people to see alcohol as an accompaniment to an overall healthy and pleasurable lifestyle, an image they enact as moderate, sensible drinking patterns.
Drinking Pattern

- Do you drink only on special occasions?
- Do you drink only on weekends?
- Are you binge drinking?

<table>
<thead>
<tr>
<th>Age Started</th>
<th>Type of Drinking</th>
<th>How much?</th>
<th>How often?</th>
</tr>
</thead>
</table>

- How long did it take for your tolerance to build up?
- When did you have to drink more to get the usual high?
Rethinking your drinking pattern

- Culture drinking and Individual drinking Patterns.
- While many people can enjoy alcohol in moderation, alcohol-related harm has a huge impact on individuals, society and the economy. Not everyone who drinks alcohol is adversely affected by it. Many people who choose to drink, do so in a controlled unharmful way. And people who experience alcohol-related problems do not all drink the same amount of alcohol or have the same drinking patterns. It has been shown that the patterns of drinking may be more important than levels of alcohol consumption in predicting whether people will experience problems with their drinking.
Do you possibly “binge” drink? Binge drinking used to mean drinking heavily over several days. Now, however, the term refers to the heavy consumption of alcohol over a short period of time. Today, the generally accepted definition of binge drinking in the United States is the consumption of five or more drinks in a row by men and four or more drinks in a row by women and at least once in the previous 2 weeks. Heavy binge drinking includes three or more such episodes in 2 weeks.
I-TEAM: Are teens drinking in nightclubs in Houston

YOUTH AND ALCOHOL

A NEW VIEW OF ALCOHOL

BINGE DRINKING

cevagregoryLCDC, MA, SAP, ICCJAP
A Disc Jockey waves a 2 ft. long tube.
Beer Stick

- The two-foot long tube is filled with beer. The beer is pushed with a plunger at one end and pours the beer into the mouth.

- The beer is coming so fast that it runs over the front of the clothing.
CONSEQUENCES OF BINGE DRINKING

- Among current drinkers, those who binged were more likely to report problems with job performance, interaction with the criminal justice system and drinking and driving. The study “underscores the importance of implementing effective strategies to prevent underage and binge drinking, such as maintaining and enforcing the age 21 minimum legal drinking age and increasing alcohol excise taxes.” Excessive alcohol consumption was the third leading cause of preventable death from 2001 through 2005, according to data from the CDC. Binge drinking could have even worse consequences in a military population because of the nature of the equipment and machinery used and the dangerous environments encountered.
Factors in Pattern of Drinking

- The pattern of alcohol consumption considers not only the amount of alcohol consumed, but other factors which may affect drinking outcomes, including:
  - The drinker’s characteristics (age, gender, health status);
  - Where alcohol is consumed (home, pub, restaurant);
  - The drinking context (with a meal, social events, celebration);
  - The type of drink consumed (beer, wine, spirits);
  - How they drink (in moderation with meal or “binge” drinking);
  - Who they drink with (partner, mixed group).
Excessive alcohol consumption is a substantial and growing health problem in the United States. Alcohol use is the third leading cause of mortality in the United States, and over half of alcohol-related deaths are attributable to binge drinking. Binge drinking is associated with many other negative social and health consequences, such as violence, child neglect, accidents, and reduced productivity. Although it is more common among younger adults, binge drinking has been rising across all age groups. There have been recent calls for increased attention to this major health problem.

A substantial body of research has identified risk factors for binge drinking including young age, male gender, being unmarried, lower education, lower income, and unemployment. However, recently, interest has increased in understanding the larger societal forces that shape individual behaviors such as binge drinking, since intervening on these environment characteristics may foster lasting and wide-reaching changes in behavior. A small but growing body of research has examined aspects of the environment that may be associated with the risk of alcohol-related problems. These include the availability of alcohol, alcohol advertising policies related to alcohol availability and norms around drinking.
Dealing with alcoholism in the military; binge drinking

- Binge drinking is common among U.S. active-duty military personnel and is associated with a wide range of adverse health and social consequences, a cross-sectional survey showed. Among 16,037 military personnel, 43.2% reported binge drinking at least once in the previous month, which is similar to estimates reported for college students. Mandy Stahre, M.P.H. of the CDC's National Center for Chronic Disease Prevention and Health Promotion here, and colleagues reported in the March issue of the American Journal of Preventive Medicine. The per-capita rate was 29.7 binge drinking episodes per person per year. Personnel younger than 26—46.7% of the active-duty military accounted for about two-thirds of all episodes.
What is a Standard drink?

A standard drink is one that contains 10 grams of alcohol (12.5 ml. of pure alcohol). Different types of alcoholic drinks contain different amounts of alcohol.

Each of these drinks would equal one standard drink:

- 285 ml of full strength beer;
- 2/3 of a 375 ml can of full-strength beer;
- A 375 ml can of mid strength beer;
- One and a quarter 375 ml cans of low-strength beer;
- 100 ml of wine or sparkling wine;
- A 30 ml “shot” or “nip” of spirits;
- 2/3 of a 275 ml bottle/can of ready-to-drink spirits/wine;
- 2/3 of a 375 ml bottle/can of alcoholic cider.

Keep in mind that not all drinks contain the same concentration of alcohol, and most venues do not serve alcohol in standard drink sizes. Beware of bigger glasses, bottles or cans which hold more than one standard drink. If you are not sure, read the label.
WHICH HAS MORE ALCOHOL?

It is the strength of the drink x volume = amount of pure alcohol.

- **Beer - 12 oz.**
  - 12 oz. Beer has 5% pure alcohol.

- **Wine - 4 oz.**
  - 4 oz. wine has 5% pure alcohol.

- **Whiskey - 1 oz.**
  - A shot of whiskey has 5% pure alcohol.

- **Cooler - 12 oz.**
  - 12 oz. wine cooler has 6% pure alcohol.
AUSTIN — A state audit indicates traffic fatalities in Texas have declined nearly 15 percent since 2006. Details of the audit of the Texas Department of Transportation were released Wednesday. Transportation officials say increased seat belt usage and “Click It or Ticket” traffic campaigns have led to safer travel. The Austin American-Statesman reports that in 2010, the most recent year in the report, Texas had 3,028 traffic deaths and about 234 billion miles of driving. That works out to 1.29 deaths per 100 million miles driven. The formula is used by the National Highway Traffic Safety Administration for evaluating road safety. Texas in 2006 had a rate of 1.5 deaths per 100 million miles traveled. The nationwide rate in 2010 was 1.11 deaths per 100 miles million traveled.
Traffic fatalities in Texas, reflecting a nationwide trend, have decreased almost 15 percent since 2006, according to a state audit of the Texas Department of Transportation released Wednesday. In 2010, the most recent year in the report, the state saw 3,028 traffic deaths and about 234 billion miles of driving, the audit said. That equates to 1.29 deaths per 100 million miles driven, the formulation used by the National Highway Traffic Safety.

A Chisom Trail firefighter works at a fatal accident on Highway 21 at Farm Road 2720 near San Marcos on Tuesday July 24, 2012. A person was killed in the car after the driver lost control and hit an 18-wheeler carrying trucks.

A fiery head-on collision last month on a two-lane stretch of Texas 95 between Copland and Elgin killed a pregnant woman and her two sons and critically injured another mother and her three daughters.

According to DPS Sgt. Mike Cantu a multi-vehicle accident on Texas State Highway 71 at Creek Meadow Cove, west of Hamilton Pool Road, resulted in one fatality and several more people transported to the hospital with injuries. A Dodge truck towing a trailer with a loaded passenger vehicle traveling eastbound on 71 veered out of control into oncoming westbound traffic and hit a Honda CRV heading west. The female driver died on the scene. The trailer jackknifed and was hit by a Appliance Van also traveling westbound. Everyone else on the scene was taken to the hospital.
In 2006, by comparison, the death rate was 1.5 deaths per 100 million miles traveled in Texas. The rate fell every year between 2006 and 2010. Austin police officials on Wednesday were not able to provide similar data on traffic fatalities.

Texas, however, is still a comparatively more dangerous place to drive than the United States as a whole.

Nationally, fatalities per 100 million miles fell from 1.42 in 2006 to 1.11 in 2010, according to traffic safety administration statistics, a 21.8 percent drop. There were 32,885 fatalities nationwide in 2010, down from 42,708 in 2006.

The trend of declining fatality rates is a long-standing phenomenon affected by improvements in car safety such as airbags, increasing public awareness of the dangers of driving while under the influence of drugs or alcohol, stricter enforcement through measures such as red-light cameras and sobriety checkpoints and more widespread seat belt usage.
Texas Department of Transportation officials said that seat belt usage, with the encouragement of annual "Click It or Ticket" campaigns by the state, has increased dramatically in Texas, to almost 94 percent in 2011.

That figure was 74 percent a decade earlier, they said. "We still have a lot of work to do to make sure all these people are traveling safely," said Carol Rawson, director of traffic operations for TxDOT.

That ratio has fallen or remained flat every year since then, with the exception of 2005, when there was a slight increase. This comes even as the number of registered vehicles has risen about 33 percent nationally and the number of licensed drivers has gone up about 20 percent during the same time period.

The state audit includes a state-by-state comparison, using 2009 figures. Texas that year was the 16th most dangerous state for drivers. The most dangerous state, with 2.01 deaths per 100 million miles, was Montana. The safest state, by this measure, was Massachusetts, with 0.61 deaths per 100 million miles of travel. In explaining Texas' comparatively higher vehicle fatality rate, TxDOT officials pointed to stricter laws in other states related to distracted driving.
Gov. Rick Perry last year vetoed a bill that would have banned texting while driving. Doug Shupe, a spokesman for AAA Texas, which advocates for traffic safety policies, said the number of road deaths, both in Texas and nationwide, is still too high and too often subject to correctable human behavior.

"Drinking and driving, distracted driving, speeding, red-light running, drowsy driving and not wearing seat belts are among the most common factors for traffic fatalities in the state and the nation," Shupe said. "Although we may be moving in the right direction in some areas, there are still far too many people dying on our roadways."
Drunk Driving Accident Pictures
There are about 17,000 alcohol related car accident deaths in the United States each year, this means that there is a drunk driving death every 31 minutes. Alcohol was a factor in 39 percent of all fatal accidents and in 7 percent of all crashes in 2004. Additionally about 248,000 people are injured in accidents where police reported that alcohol was present, thus one person is injured in a drunk driving accident in the US every 2 minutes. These incredible statistics reveal why drunk driving is a major public policy issue.
Below are many examples of drunk driving accidents.
Too much Beer
Drunk Driving Accident Pictures & Stories

www.Car-Accidents.com
Alcohol-related traffic crashes are defined by the United States National Highway Traffic Safety Administration (NHTSA) as alcohol-related if either a driver or a non-motorist had a measurable or estimated BAC of 0.01 g/dl or above.[1]

This statistic includes any and all vehicular (including bicycle and motorcycle) accidents in which any alcohol has been consumed, or believed to have been consumed, by the driver, a passenger or a pedestrian associated with the accident. Thus, if a person who has consumed alcohol and has stopped for a red light is rear-ended by a completely sober but inattentive driver, the accident is listed as alcohol-related, although alcohol had nothing to do with causing the accident. Furthermore, if a sober motorist hits a drunk pedestrian, the accident is also listed as alcohol-related. Alcohol-related accidents are often mistakenly confused with alcohol-caused accidents. Many have criticized the NHTSA for compiling this statistic since it gives the impression that drunk drivers cause a much higher percentage of accidents and does not accurately reflect the problem of drunk driving in the United States.

Nationally, 12.8% of all drivers involved in fatal accidents during 2001 are known to have been intoxicated according to the blood alcohol concentration (BAC laws) of their state. [2] This number is based on a systematic examination of the official records of each and every accident involving a fatality during that year in the US. [citation needed] However, a majority of fatalities resulting from car accidents involving alcohol are from sober drivers who are hit by drunk drivers.

The higher number (about 40%) commonly reported refers to accidents defined as alcohol-related as estimated by the National Highway Traffic Safety Administration.

Each year, The Century Council, a national non-profit organization funded by a group of alcohol manufacturers, compiles a document of alcohol-related traffic fatalities. Between 1991 and 2006, the rate of alcohol-related traffic fatalities (ARTF) per 100,000 population has decreased 26% nationally, and 28% among youth under 21.[3]
Alcohol Consumption and Traffic Crashes

The Insurance Institute for Highway Safety is an unbiased evaluator of all the causes of traffic crashes, injuries, and deaths. The insurance companies that sponsor its work are interested in reducing traffic accidents. Neither the insurance industry nor the Institute has an ideological agenda to promote.

The following information is from the Institute’s web site Question and Answer page about alcohol:

- **What proportion of all motor vehicle crashes is caused by alcohol?** It is impossible to say with certainty. Although alcohol is known to increase crash likelihood, its presence is neither necessary nor sufficient to cause a crash. Every crash in which a driver has a high BAC is not caused by alcohol. To learn the number of crashes caused by driving at various BACs, it would be necessary to find out how many trips that do not involve crashes are driven by people with positive BACs -- something that is only measured periodically in roadside surveys or special studies of motorists not involved in crashes.
What proportion of motor vehicle crashes involves alcohol? The most reliable information about alcohol involvement comes from fatal crashes. In 2002, 32 percent of fatally injured drivers had BACs of at least 0.08 percent. Although alcohol may not have been a causal factor in all of the crashes, this statistic is frequently used to measure the change over time in alcohol involvement in fatal crashes.

In 2002, the National Highway Traffic Safety Administration (NHTSA) estimated that 35 percent of all traffic deaths occurred in crashes in which at least one driver or nonoccupant had a BAC of 0.08 percent or more and that any alcohol was present in 41 percent of all fatal crashes in 2002. Such statistics are sometimes cited as proof that a third to half of all fatal crashes are caused by "drunk driving" and that none of the crashes that involve alcohol would occur if the alcohol were not present. But this is incorrect and misleading because alcohol is only one of several factors that contribute to crashes involving drinking drivers. Furthermore, some fatally injured people in alcohol-related crashes are pedestrians with positive BACs, and these fatalities still would occur even if every driver were sober.
NHTSA FACTS

- Ten percent (10%) of all people who receive injuries in traffic accidents do so in alcohol-related crashes, according to NHTSA estimates. It is estimated that 3.22% of these injury-producing crashes involve intoxicated drivers.
- Seven percent (7%) of all traffic accidents involve alcohol use, according to NHTSA estimates. It is estimated that 2.25% of all vehicular crashes involve intoxicated drivers.
- These statistics are all estimates based on incomplete information. Often they are estimates based on other estimates. However, 12.8% of all drivers involved in fatal accidents in the U.S. during 2001 are known to have been intoxicated according to the BAC laws (.10 or .08) of their state. This number is based on a systematic examination of the official records of each and every accident involving a fatality during that year in the US. It is based on factual evidence rather than on estimates or guesses.
The higher numbers commonly reported in the press refers to accidents in which NHTSA believes that some alcohol has been consumed by someone associated with the accident. For example, if a person who was believed to have consumed any alcohol is stopped at a red light and is rear-ended by an inattentive completely sober driver, that accident is considered to be alcohol-related.

Alcohol consumption, cell phone use, drowsy driving, aggressive driving, and drugged driving are all important but preventable causes of traffic accidents, injuries and deaths. There has been a dramatic and continuing drop in alcohol-related traffic crashes, but much more needs to be done to prevent drunk driving,
However, virtually ignored have been the other major causes of vehicular crashes. For example, using a cell phone is even more dangerous than driving while intoxicated. We can and must do even more to reduce traffic crashes from all causes.

A person who dies in a traffic crash is just as dead whether the accident was caused by a drunk driver, a cell phone user, an aggressive driver, or a drugged driver. They must all be stopped.

According to the Texas Department of Transportation (TxDOT), 1,075 people (or 35.6 percent of all traffic fatalities) were killed in accident caused by drunk drivers.

We all know that driving after you’ve been drinking is not only against the law, it is incredibly stupid and dangerous. If you get behind the wheel with alcohol in your system then you are putting not just your own life at risk, but also the lives of countless other people who you might encounter while on the road. Do not be fooled into thinking that driving drunk late at night makes it any safer; TxDOT reports that more alcohol-related fatalities occurred on Texas roads between 2:00am and 2:59am than at any hour of the day or night.
TEENS AND ALCOHOL-RELATED CRASHES

- **Access to Alcohol**
  - Teens are at far greater risk of death in an alcohol-related crash than the overall population, despite the fact that they are below the minimum drinking age in every State. Among 15- to 20-year-old drivers involved in fatal crashes in 2006, 31 percent of the drivers who were killed had been drinking and 77 percent of these drivers were unrestrained. High-visibility enforcement of underage purchase, possession, and provision laws can create a significant deterrent for violation of youth access laws, reduce consumption, and decrease alcohol-related crash involvement.

- **NHTSA’s core strategies for reducing youth access to alcohol include:**
  - Actions directed at adults, such as media messages on parent and other adult responsibility, keg registration laws, and enforcement of laws against purchasing alcohol for youth;
  
  - Actions directed at youth, such as tamper-proof licenses, “use-and-lose” laws that confiscate the drivers license of underage drinkers, law enforcement party patrols, and peer education;
  
  - Actions directed at alcohol vendors (e.g., point-of-sale training and compliance checks); and
  
  - Comprehensive community programs that bring together community groups and agencies.
Graduated Driver Licensing (GDL)

Young, novice drivers are significantly over represented in fatal crashes, particularly 16- and 17-year-old drivers. Immaturity and inexperience are primary factors contributing to fatal crashes by young drivers. Three-stage GDL laws address these factors by reducing high-risk exposure for novice drivers. Evaluations clearly show the benefits of adopting GDL laws, generally indicating 20- to 50-percent reductions in crashes of young novice drivers.

NHTSA’s core strategies for strengthening GDL laws include:

- Enactment of three-stage GDL legislation containing NHTSA-recommended components;
- Highly publicized enforcement of GDL laws; and
- Increasing parental responsibility in monitoring novice driver compliance with GDL laws.
• **Seat Belt Use**
  Teens have lower seat belt use rates than adults. Despite efforts aimed at increasing belt use in this age group, observed use among teens and young adults (16 to 24 years old) in 2008 was the lowest of any age group at 80 percent. In fatal motor-vehicle crashes, the majority of teens (16 to 20 years old) continue to be unbuckled (56% in 2009).

• **NHTSA’s core strategies for increasing seat belt use among teens include:**
  • Primary enforcement seat belt laws;
  • Highly publicized enforcement of seat belt laws; and
  • Educational programs that complement seat belt laws and enforcement.
- **Youth Traffic Safety Statistics**
- Motor vehicle crashes are the leading cause of death for teens in the U.S.
- Each year, more than 5,000 teens (ages 16-20) are killed in passenger vehicle crashes.
- During 2006, a teen died in a traffic crash an average of once every hour on weekends and nearly once every two hours during the week.
- Nationally in 2006, 25 percent of the young drivers ages 15-20 who were killed in crashes had Blood alcohol concentration (BAC) levels of .08 or higher at the time of the crash.
- Nationally in 2009, 3,349 teen passenger vehicle occupants, ages 16 to 20, were killed in motor vehicle crashes, and 56 percent (1,880) were unrestrained at the time of the fatal crash.
- According to NHTSA, teenage drivers and passengers are among those least likely to wear their seat belts.
- While all teens are at a high-risk of experiencing a fatal crash, according to NHTSA, young males, pickup truck drivers and passengers, as well as people living in rural areas are also among those least likely to buckle up.
TEXAS TEEN LAWS
MINOR IN POSSESSION
MIP means

- A person under the age of 21 years has been given a citation by a police officer or Texas Alcohol Beverage Control Officer for being illegally in possession, ownership, or control of an alcoholic beverage.
Minors are at risk of a MIP citation when they:

- go to a party.
- go to a nightclub.
- are in a vehicle where alcohol is present.
Constructive Possession

- Is when a minor is in an automobile where alcohol is readily accessible to any minor passenger in the vehicle.
- This extends to the seat, floor, or stored in the truck of an automobile in which the driver is a minor and in possession of the keys.
Constructive possession also exists when:

1. You are at a table with several people who are drinking from a picture of beer with cups scattered about;
2. You pick up empty beer cans and cups;
3. You hold a friend’s beer so that they can put on a jacket, or
4. You used a beer can as spittoon.
Fines

- This offense is Class “C” misdemeanor.
- First Offense: $0-$500.
- Jail confinement: None
- Alcohol Awareness Education (Judge’s Option).
- 12 Hours Community Service
- Driver’s license or permit suspended for 60 days.
2\textsuperscript{nd} offense

- Fine: $500.
- Jail: Term not to exceed 60 days.
- 40-60 Hours Community Service.
- Alcohol Awareness Education (Judge’s Option)
- Driver’s license or permit suspended for 120 days.
3rd Offense

- Class B: $500-$2,000
- Confinement in Jail up to 180 days
- 180 days driver’s license suspension
- No eligible for deferred adjudication
DEFINITION OF INTOXICATION IN TEXAS

Alcohol concentration of .08% or more

Not having normal use of mental or physical faculties because of alcohol or other drugs.
This offense is Class “C” misdemeanor.

First Offense: $0-$500.

Jail confinement: None

Alcohol Awareness Education (Judge’s Option).

12 Hours Community Service

Driver’s license or permit suspended for 60 days.
Fines

- This offense is Class “C” misdemeanor.
- First Offense: $0-$500.
- Jail confinement: None
- Alcohol Awareness Education (Judge’s Option).
- 12 Hours Community Service
- Driver’s license or permit suspended for 60 days.
**DWI PENALTIES**

- **DWI Penalties for First-Time Offenders**
  - Under Texas law, if you are caught driving while drunk, you face charges of a Class B Misdemeanor. This means that you face a fine of up to $2,000, potential jail time of between 72 hours and six months, community service of between 24 and 100 hours, and/or probation of between one and two years.

**Texas Open Container Laws**
Regardless of whether or not you are driving, having an open container of alcohol in your vehicle is illegal (be it a can of beer, bottle of wine, or hipflask or liquor). Any open container must be securely stowed where it is inaccessible by either the driver or any passengers (i.e. in the trunk). The only exceptions to this rule are buses, taxis, motorhomes and RVs. Criminal penalties for having an open container in your vehicle are the same as those for first time DWI offenders, but the minimum jail time is increased to six days instead of three.
Sec. 49.10  No Defense. The defendant is not entitled to the defense that he/she is controlled by alcohol or other substance.

Sec. 49.12  Applicability to Certain Conduct. Does not apply to injury to or the death of an unborn child.

Sec. 49.04 or 49.045. Offense relating to the operating of a motor vehicle while intoxicated.

Sec. 49.065  Operating a watercraft while intoxicated or operating or assembling an amusement ride.

Sec. 49.08 INTOXICATION ANSLAUGHTER
Operating a motor vehicle in a public palace, operates an aircraft, a watercraft, or an amusement ride.

Sec. 49.045. Driving while intoxicated with Child Passenger – a person in the car under the age of 15.

Sec. 49.04. Driving while Intoxicated: Person is intoxicated while operating a motor vehicle in a public place.

Sec. 49.031. Possession of Alcoholic Beverage in Motor Vehicle.
Texas Alcohol Laws

- Alcohol is purchased in private retail stores from 10 A.M. to 9 P.M., although beer and wine may be available at grocery stores and convenience marts. Liquor stores are closed on Sundays, and restaurants may only sell alcohol in conjunction with food and noon on Sundays. Bars and restaurants serve alcohol Monday through Saturday from 10 A.M. to 2 A.M., in general.
- Legal Age for Drinking/Serving Alcohol
  You must be 21 to consume alcohol in Texas, as in all other states, at any employment that requires selling or handling entered into at age 18.
- Open Container Laws
  All previously opened containers of alcohol must be transported in a vehicle's trunk where the driver and passengers do not have access. If the driver is under Age 21, the open container cannot be in the trunk because the driver could open the trunk.
Texas Laws

- **BAC Limits**
- A driver is considered irresponsibly under the influence and “per se intoxicated” if a chemical screening indicates a blood (BAC) of .08 percent or more. This means the courts need no further evidence than this in order to secure a DUI (driving under the influence) conviction.
- A driver testing .15 percent or more over the legal limit of .08 percent faces harsher penalties for enhanced BAC.
- Under the age of 21, a driver in Texas cannot test positive for any blood alcohol content (BAC) under penalty of DUI charges.
Texas Laws

- **Penalties**
- Laws requiring drivers suspected of driving under the influence to concede to breath, blood, or urine testing for alcohol testing falls under the “implied consent laws.” A person agrees to abide by these laws when signing for a driver’s license. Refusing to comply for testing for intoxication can incur a penalty of mandatory suspension of the driver’s license for up to one year.

- The DMV (Department of Motor Vehicles) can revoke a driver’s license for 90 days for the first DUI conviction and 180 days for the second and third convictions.

- The penalty of vehicle confiscation for DUI conviction – either permanently or temporarily – is a possibility in Texas.
Texas Laws

- An ignition interlock device can be installed in a DUI offender's vehicle in Texas.

- Education, treatment, or assessment for alcohol abuse or dependence if required for DUI offenders.

- **DUI is considered a felony after the second**
  - **conviction if a prior manslaughter conviction involving alcohol.**
<table>
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<tr>
<th></th>
<th>FINES</th>
<th>LICENSE LOSS</th>
<th>JAIL</th>
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<tbody>
<tr>
<td><strong>1st</strong></td>
<td>Up to $2,000</td>
<td>90 days - 1 year</td>
<td>72 hrs - 1 year</td>
</tr>
<tr>
<td><strong>2nd</strong></td>
<td>Up to $4,000</td>
<td>180 days - 2 years</td>
<td>30 days</td>
</tr>
<tr>
<td><strong>3rd or more</strong></td>
<td>Up to $10,000</td>
<td>180 days - 2 years</td>
<td>2 - 10 years</td>
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In 2003, legislation was passed which requires surcharge on driver’s license when there is a DWI charge.

- DWI, Intoxication Assault, Intoxication Manslaughter Conviction
  - $1,500 per year for subsequent convictions for 3 years.
  - $1,000 per year for first conviction for 3 years.
  - $2,000 on a first or subsequent conviction if BAC was .16 or greater at time of test for 3 years.
  - The surcharges are cumulative.
ARRESTED for DWI, Intoxication Assault, or Intoxication Manslaughter

Test is taken and failed (.08 or greater)

Adult Penalty – Loss of license
  ★ 90 days if no alcohol/drug contacts in last ten years
  ★ 1 year if one or more alcohol/drug contacts in last ten years

Officer takes possession of license

Temporary license for 40 days

$125 reinstatement fee
IMPLIED CONSENT LAW
(REFUSED TEST)

- Arrested operating motor vehicle or a watercraft of 50 hp or greater
- Refuse breath or blood test
- Adult Penalty - Loss of license
  - 180 days if no alcohol/drug contact in last ten years
  - Two years if one or more alcohol/drug contacts in last 10 years
- License taken at time of arrest and 40 day temporary license issued
- $125 reinstatement fee
OPEN CONTAINER LAW

- Vehicle on public highway (stopped or moving)
- Driver or passenger
- Knowingly possess in passenger area
- Open, seal broken, or contents partially removed

Penalty - Class C misdemeanor - up to $500 fine

EXCEPTIONS:
- Vehicle for hire - passenger area
- Motor home living quarters
- Locked storage area
- Trunk
- Behind last seat if no trunk
We Need to Do More

- 21.6 million (9/1% or population 12 and older) are substance abuse dependent (alcohol &/or drugs)
- 3.1 million are seriously addicted to illicit drugs in this country.
- 3.3 million people (1.4% of the population) received some kind of treatment in 2003
- (National Survey on Drug Use and Health).
More breath tests given?

- If more breath tests were given, this would be expected to increase convictions that in turn could have a deterrent effect on DWI and, thus, lower deaths.
- Breath tests actually declined from 100,855 in 1983 to 57,402 in 2002.
- Therefore, this cannot be a reason.
Education?

- Education programs for persons convicted of DWI have been implemented, especially since 1984, and general education in alcohol/drug use has been improved.
- Studies by the Texas Commission on Alcohol and Drug Abuse have indicated that a person is 50% less likely to be rearrested for DWI offense if he/she has completed such a program.
1. What is “BAC:?  
2. What are three possible reasons for decline in DWI deaths in TEXAS?  
3. What percentage of drivers killed in Texas in 2009 had alcohol in their system?
CITATIONS

- ^ The Century Council's Research

References
1. Insurance Institute for Highway Safety, Q & A page on alcohol (http://www.iihs.org/safety_facts/qanda/alcohol_general.htm).

Readings and References
CITATIONS

- TEXAS ALCOHOL AND DRUG COMMISION-DEPARTMENT OF STATE HEALTH SERVICES, SUBSTANCE ABUSE, TEXAS DRUG OFFENDER PROGRAM.