



Department of Student Life

Student Conflict Resolution Services



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Alcohol & Drug Violation Penalties

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This web page is intended to provide general information on legal issues for students of Texas A&M University. Specific advice regarding an individual person or situation should be requested from an attorney. This web page should be used for general information reference only and is not intended to provide legal advice.

General Information

A review of the following crimes should cause students to reconsider their use of alcohol.

Often, a person will be charged with multiple offenses. For example, a person could be charged with being a Minor in Possession of Alcohol, Failure to ID, and Public Intoxication all at the same time. Added together, these minimum fines total \$1,200.00, not counting any additional penalties and costs. However, the police often require more for bonding out of jail than the minimum amount .

Students who choose to violate these laws and are arrested will face a difficult period in their lives as they struggle to comply with the consequences.

For more information, please contact Student Legal Services, Student Conflict Resolution Services, Department of Student Life 847-7272.

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Possession of a Fake ID

Possession of a fake ID is a Class B misdemeanor! All Class B misdemeanors have a possible punishment of six months in jail and a \$2,000.00 fine. Fake ID is on the same penalty level as a first DWI. Furthermore, the suspect would be arrested and need to bond out of jail. This law also applies to anyone who possesses more than one driver's license. Furthermore, if a person under 21 years of age is found by the police to be in possession of alcohol, the police will suspect that s/he has a fake ID.

A driver's license can be suspended for one year for fake ID and DWI. Driving with a Suspended DL is a Class B misdemeanor with further loss of driver's license. Penalties and suspension periods increase on subsequent arrests.

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Driving While Intoxicated (DWI)

A person commits DWI if the person is intoxicated while operating a motor vehicle in a public place. DWI is a Class B misdemeanor, with a minimum term of confinement of 72 hours. If an open container of alcohol was in the driver's immediate possession, the minimum term of confinement is six days. A second DWI within 10 years is a Class A misdemeanor, with a minimum term of confinement of 30 days. A third DWI within 10 years is a third degree felony. A second DWI within 5 years will cause installation of a breath test device on the vehicle to prevent operation if ethyl alcohol is detected in the operator's breath.

Intoxicated means not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or having an alcohol concentration of 0.08 or more.

If the driver had a passenger who is younger than 15 years of age, the DWI is a state jail felony, instead of a Class B misdemeanor.

The fact that the driver is or has been entitled to use the alcohol, controlled substance, drug, dangerous drug, or other substance is not a defense.

A person commits Boating While Intoxicated if the person is intoxicated while operating a watercraft. BWI is a Class B misdemeanor, with a minimum term of confinement of 72 hours.

A person commits Intoxication Assault if the person, by accident or mistake while operating an aircraft, watercraft, or motor vehicle in a public place while intoxicated, by reason of that intoxication causes serious bodily injury to another person. Intoxication Assault is a third degree felony. Often, the injured person will be the driver's own passenger. If the passenger or another person dies, the offense is Intoxication Manslaughter, a second degree felony.

Each year, the Department of Public Safety (DPS) assesses a surcharge on the driver's license of drivers who during the past 3 years were convicted of DWI. The surcharge is \$1,000 per year for 3 years. A second DWI conviction costs a surcharge of \$1,500 per year for 3 years. If the driver had an alcohol concentration of 0.16 or more, the surcharge is \$2,000 per year for 3 years.

Driver licenses can be suspended for one year for DWI. Driving with a suspended license is a Class B misdemeanor with increased license suspension time. In addition, the DPS assesses a \$250 surcharge on the license per year for 3 years.

If a driver of any age refuses a breath or blood test, the DPS shall suspend the driver's license for 180 days. The suspension term increases to two years if the driver has one or more alcohol-related or drug-related enforcement contacts during the past 10 years.

If a driver who is 21 years of age or more fails to pass the test for intoxication, the DPS shall suspend the driver's license for 90 days. The suspension term increases to one year if the driver has one or more alcohol-related or drug-related enforcement contacts during the past 10 years.

For a driver under the age of 21 years, the suspension term for failure to pass the test for intoxication is 60 days for the first offense, 120 days for the second, and 180 days for the third.

Updated September 2003.

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Public Intoxication (PI)

For all of the Brazos County Justice of the Peace Courts, including Judge Boyett's Precinct 6 court which hears all of the cases that involve charges by the UPD and TABC with Class C misdemeanors, the minimum amount for a Public Intoxication fine is \$400.00. The third PI is a Class B misdemeanor referred to the Brazos County Court At Law which has jurisdiction over all misdemeanors above Class C.

See the [Student Legal Services PI](#) page for more information.

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Failure to Identify

The City of College Station Municipal Court's schedule of minimum fines has increased. Failure to Identify by giving the police a false date of birth is not only a \$400.00 fine, but the suspect will be arrested and need to bond out of jail.

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Disorderly Conduct

The City of College Station Municipal Court's schedule of minimum fines has also increased for a Disorderly Conduct violation. The fine for a first offense for a Disorderly Conduct violation is now \$350.00; with a second offense at \$450.00; a third offense at \$575.00; and a Class B misdemeanor for the fourth offense.

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Disorderly Conduct by Noise

The College Station Police are now charging all roommates on the lease contract at a noisy house party with Disorderly Conduct by Noise, instead of issuing a warning or only charging one of the tenants. The minimum fine for DOC is \$350.00 for the first offense, \$450.00 for the second, \$575.00 for the third, and a Class B misdemeanor for the fourth.

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Possession of Alcohol by a Minor (MIP)

The City of College Station Municipal Court's schedule of minimum fines has also increased. Possession of Alcohol by a Minor is now \$400.00 for the first offense, \$600.00 for the second offense, and a Class B misdemeanor for the third offense.

A driver's license can be suspended for 30 days on the first MIP. Driving with a Suspended DL is a Class B misdemeanor with further loss of driver's license. Penalties and suspension periods increase on subsequent arrests.

See [The Student Legal Services MIP](#) page for more specific information.

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Minor Driving Under the Influence

The City of College Station Municipal Court's schedule of minimum fines has also increased in this area. A Minor DUI is \$450.00 for the first offense and \$600.00 for the second offense.

In addition, many underage students don't realize that to be arrested as a Minor Driving Under the Influence (Minor DUI), an individual needs to have only a trace of alcohol present on their breath. There is no need for any kind of blood, breath, or physical test; a police officer merely has to smell or detect the presence of alcohol. A suspect arrested for a DUI will be taken to jail to bond out and, unless there is a sober individual in the car that can drive the vehicle home, it will be towed at an expense of \$120.00 to an impound yard and the intoxicated passengers arrested for Public Intoxication.

A driver's license can be suspended for 60 days for the first DUI. Driving with a Suspended DL is a Class B misdemeanor with further loss of driver's license. Penalties and suspension periods increase on subsequent arrests.

See the [Student Legal Services DUI](#) page for more specific information.

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Furnishing Alcohol to a Minor

Since September of 2001, Furnishing Alcohol to a Minor is a Class A misdemeanor. A person commits this offense if s/he purchases an alcoholic beverage for or gives or with criminal negligence makes available an alcoholic beverage to a minor. The only exceptions to this code are when parents, guardians, spouses 21 years of age or more purchases alcohol for him/her. However, these aforementioned adults must be visibly present when the minor possesses or consumes the alcoholic beverage.

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Sale of Alcohol to a Minor

A person commits this offense if with criminal negligence s/he sells an alcoholic beverage to a minor. A defense is if the minor falsely represents himself/herself as being 21 years old or older with an apparently valid Texas driver's license, or identification card issued by the Texas Department of Public Safety, that contains a physical description consistent with the individual's appearance for the purpose of inducing the individual to sell him/her an alcoholic beverage then this offense has not been committed. Sale of Alcohol to a Minor is a Class A misdemeanor.

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Possession of Open Container of Alcoholic Beverage in Motor Vehicle

A person commits this offense if the person knowingly possesses an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. Possession by a person of one or more open containers in a single criminal episode is a single offense.

Open container means a bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed.

Passenger area of a motor vehicle means the area of a motor vehicle designed for the seating of the operator and passengers of the vehicle. The term does not include a glove compartment or similar storage container that is locked; the trunk of a vehicle; or the area behind the last upright seat of the vehicle, if the vehicle does not have a trunk.

Public highway means the entire width between and immediately adjacent to the boundary lines of any public road, street, highway, interstate, or other publicly maintained way if any part is open for public use for the purpose of motor vehicle travel. The term includes the right-of-way of a public highway.

Possession of Open Container of Alcoholic Beverage in Motor Vehicle is a class C misdemeanor.

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Possession of Marijuana

A person commits Possession of Marijuana if the person knowingly or intentionally possesses a usable quantity of marijuana.

Possession of two ounces or less is a class B misdemeanor.
Possession of four ounces or less but more than two ounces is a class A misdemeanor.
Possession of five pounds or less but more than four ounces is a State Jail Felony.

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Possession of Drug Paraphernalia

A person commits Possession of Drug Paraphernalia if the person knowingly or intentionally uses or possesses with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of the Texas Health and Safety Code or to inhale, ingest, inject, or otherwise introduce into the human body a controlled substance in violation of the Texas Health and Safety Code.

Possession of Drug Paraphernalia under the above is a class C misdemeanor.

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