

PENALTIES UNDER TEXAS LAW

Appendix C

CONTROLLED SUBSTANCE OFFENSES

Offense	Quantity	Penalties
Manufacture or delivery Substance in Penalty Group 1	200 gms or more, but less than 400 gms	Punishable by imprisonment for a term of life or for a term not more than 99 years or less than 10 years and a fine not to exceed \$100,000.
Manufacture or Delivery Substance in Penalty Group 1	400 gms or more	Punishable by imprisonment for life or for a term not more than 99 years or less than 15 years and a fine not to exceed \$250,000
Manufacture or Delivery Substance in Penalty Group 2	400 gms or more	Punishable by imprisonment for life or for a term not more than 99 years or less than 10 years and a fine not to exceed \$100,000
Manufacture or Delivery Substance in Penalty Group 3 or 4	400 gms or more	Punishable by imprisonment for life or for a term not more than 99 years or less than 10 years and a fine not to exceed \$100,000
Possession Substance in Penalty Group 1	400 gms or more	Punishable by imprisonment for life or for a term not more than 99 years or less than 10 years and a fine not to exceed \$100,000
Possession Substance in Penalty Group 2	400 gms or more	Punishable by imprisonment for life or for a term of not more than 99 years or less than five years and a fine not to exceed \$50,000
Possession Substance in Penalty Group 3	400 gms or more	Punishable by imprisonment for life or for a term of not more than 99 years or less than five years and a fine not to exceed \$50,000
Delivery of Marihuana	2,000 pounds or more	Punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years and a fine not to exceed \$50,000
Possession of Marihuana	2,000 pounds or more	Punishable by imprisonment for life or for a term of not more than 99 years or less than five years and a fine not to exceed \$50,000
Delivery or manufacture Controlled Substance Analogue	200 gms or more, but less than 400 gms	Punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years and a fine not to exceed \$100,000
Possession Controlled Substance Analogue	400 gms or more	Punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years and a fine not to exceed \$100,000
Manufacture or Delivery Controlled Substance Analogue	400 gms or more	Punishable by imprisonment for life or for a term of not more than 99 years or less than 10 years and a fine not to exceed \$100,000
Possession Controlled Substance Analogue	400 gms or more	Punishable by imprisonment for life or for a term of not more than 99 years or less than five years and a fine not to exceed \$50,000
Possession or Delivery Drug Paraphernalia	Previous conviction for delivery, possess with intent to deliver, or manufacture with intent to deliver, or the person is 18 or older and person receiving is younger	Punishable by confinement in jail for not more than a year or less than 90 days

	than 18.	
--	----------	--

Penalty Group 1 includes, codeine, heroin, morphine, opium among others.

Penalty Group 2 includes amphetamines, mescaline, hallucinogenic substances other than marijuana, among others

Penalty Group 3 includes Phenobarbital, stimulants affecting central nervous system, depressants affecting central nervous system.

Penalty Group 4 includes anabolic steroids among others

ALCOHOL-RELATED OFFENSES

Offenses involving a Minor	Level of Offense	Penalties
Driving while intoxicated Class C misdemeanor	First Offense	<ul style="list-style-type: none"> • Fine up to \$500. • Attendance at an alcohol awareness class. • 20 to 40 hours of mandatory community service. • 60 days driver's license suspension.
	Second Offense	<ul style="list-style-type: none"> • Fine up to \$500. • Attendance at an alcohol awareness class at the judge's discretion. • 40 to 60 hours of mandatory community service. • 120 days driver's license suspension.
	Third Offense	<ul style="list-style-type: none"> • Fine from \$500 to \$2,000 or confinement in jail up to 180 days, or both. • Not eligible for deferred adjudication. • 180 days driver's license suspension.
	Third Offense, and if 17 years or older	<ul style="list-style-type: none"> • Fine increases to \$500 to \$2,000 or confinement in jail for up to 180 days, or both.
Purchase, attempt to purchase, possess, or consume alcoholic beverages, publicly intoxicated, misrepresenting age to obtain alcoholic beverages. Class C misdemeanor	First and Second Offense	<ul style="list-style-type: none"> • Fine up to \$500. • Attendance at an alcohol awareness class. • 8 to 40 hours of community service. • 30 to 180 days loss or denial of driver's license.
	Third Offense, and if 17 years or older	<ul style="list-style-type: none"> • Fine from \$250 to \$2,000 or confinement in jail for up to 180 days, or both. • Automatic driver's license suspension.
Giving alcohol or buying alcohol for a minor Class B misdemeanor		<ul style="list-style-type: none"> • Confinement in jail for up to 180 days. • Fine up to \$2,000, or both
Selling alcohol to a minor Class A misdemeanor		<ul style="list-style-type: none"> • Confinement in jail up to one year, • Fine up to \$4,000, or both

Offenses by Adults

Public intoxication	A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another.	<ul style="list-style-type: none"> • Fine not to exceed \$500
Consumption or possession of alcoholic beverage in motor vehicle	A person commits an offense if the person consumes an alcoholic beverage while operating a motor vehicle in a public place and is observed doing so by a peace officer.	<ul style="list-style-type: none"> • Fine not to exceed \$500
Driving while intoxicated.	A person commits an offense if the person is intoxicated while operating a motor vehicle in a public place. If at time of trial, the person operating the vehicle had an open	<ul style="list-style-type: none"> • Confinement in jail for up to 180 days (minimum confinement of 72 hours), • Fine up to \$2,000, or both. • Confinement in jail for up to 180 days (minimum confinement of six days),

APPENDIX C

	container in the person's immediate possession.	<ul style="list-style-type: none">• Fine up to \$2,000, or both.
	Second Offense	<ul style="list-style-type: none">• Confinement in jail for up to 1 year (minimum confinement of 30 days),• Fine up to \$4,000, or both.
	Third Offense	<ul style="list-style-type: none">• Confinement in prison for not more than 20 years or less than two years,• Fine up to \$10,000, or both