

Texas Penalties for Common Substance Abuse, Drug Trafficking, and Other Offenses

Offense of manufacture or delivery of controlled substances

These offenses are set out in [Sections 481.112, 481.1121, 481.113, and 481.114, Texas Health and Safety Code](#), which vary the offense and punishment based upon two factors: the type of drug (which schedule it is listed under) and the quantity of the drug involved in the offense. Section 481.032, Texas Health and Safety Code, contains long lists of drugs that are in schedules 1, 1-A, 2, 3, 4, and 5. Additional controlled substances are added to these schedules each year.

[Section 481.112, Texas Health and Safety Code](#), deals with Penalty Group 1 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 2nd degree felony; more than 4 grams and less than 200 grams is a 1st degree felony; more than 200 grams and less than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine; more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$250,000 fine.

[Section 481.1121, Texas Health and Safety Code](#), deals with Penalty Group 1-A drug offenses: number of abuse units less than 20 is a state jail felony; number of abuse units more than 20 and less than 80 is a 2nd degree felony; number of abuse units more than 80 and less than 4000 is a 1st degree felony; more than 4000 units is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.

[Section 481.113, Texas Health and Safety Code](#), deals with Penalty Group 2 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 2nd degree felony; more than 4 grams and less than 400 grams is a 1st degree felony; and more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.

[Section 481.114, Texas Health and Safety Code](#), deals with Penalty Group 3 and 4 drug offenses: less than 28 grams is a state jail felony; more than 28 grams and less than 200 grams is a 2nd degree felony; more than 200 grams and less than 400 grams is a 1st degree felony; and more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.

Offense of Possession of Controlled Substances

These offenses are set out in [Sections 481.115, 481.116, 481.117, and 481.118, Texas Health and Safety Code](#), which vary the offense and punishment based upon two factors: the type of drug (which schedule it is listed under) and the quantity of the drug involved in the offense. Section 481.032, Texas Health and Safety Code, contains long lists of drugs that are in schedules 1, 1-A, 2, 3, 4, and 5. Additional controlled substances are added to these schedules each year.

[Section 481.115, Texas Health and Safety Code](#), deals with Penalty Group 1 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 3rd degree felony; more than 4 grams and less than 200 grams is a 2nd degree felony; more than 200 grams and less than 400 grams is a 1st degree felony; more than 400 grams is life imprisonment or a term of 10 to 99 years and up to a \$100,000 fine.

[Section 481.1151, Texas Health and Safety Code](#), deals with Penalty Group 1-A drug offenses: number of abuse units less than 20 is a state jail felony; number of abuse units more than 20 and less than 80 is a 3rd degree felony; number of abuse units more than 80 and less than 4000 is a 2nd degree felony; more than 4000 units and less than 8000 units is a 1st degree felony; and more than 8000 units is life imprisonment or a term of 15 to 99 years and up to a \$250,000 fine.

[Section 481.116, Texas Health and Safety Code](#), deals with Penalty Group 2 drug offenses: less than 1 gram is a state jail felony; more than 1 gram and less than 4 grams is a 3rd degree felony; more than 4 grams and less than 400 grams is a 2nd degree felony; and more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.

[Section 481.117, Texas Health and Safety Code](#), deals with Penalty Group 3 drug offenses: less than 28 grams is a Class A misdemeanor; more than 28 grams and less than 200 grams is a 3rd degree felony; more than 200 grams and less than 400 grams is a 2nd degree felony; and more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.

[Section 481.118, Texas Health and Safety Code](#), deals with Penalty Group 4 drug offenses: less than 28 grams is a Class B misdemeanor; more than 28 grams and less than 200 grams is a 3rd degree felony; more than 200 grams and less than 400 grams is a 2nd degree felony; more than 400 grams is life imprisonment or a term of 5 to 99 years and up to a \$50,000 fine.

Offense of Delivery of Marijuana

[Section 481.120, Texas Health and Safety Code](#), deals with delivery of marijuana offenses: less than one quarter ounce is a Class B misdemeanor if delivery is without compensation; less than one quarter ounce is a Class A misdemeanor if delivery is for compensation; more than one quarter ounce and less than five pounds is a state jail felony; more than five pounds and less than 50 pounds is a 2nd degree felony; more than 50 pounds and less than 2000 pounds is a 1st degree felony; and more than 2000 pounds is life imprisonment or a term of 10 to 99 years and a fine not to exceed \$100,000.

Offense of Possession of Marijuana

[Section 481.121, Texas Health and Safety Code](#), deals with possession of marijuana offenses: less than 2 oz. is a Class B misdemeanor; more than 2 oz. and less than 4 oz. is a Class A misdemeanor; more than 4 oz. and less than five pounds is a state jail felony; more than five pounds and less than 50 pounds is a 3rd degree felony; more than 50 pounds and less than 2000 pounds is a 2nd degree felony; and more than 2000 pounds is life imprisonment or a term of 5 to 99 years and a fine not to exceed \$50,000.

Offense of Delivery of Controlled Substance or Marijuana to Minor

[Section 481.122, Texas Health and Safety Code](#), deals with the offense of the delivery of a controlled substance or marijuana to a minor (17 years of age or younger) and provides that the offense is a 2nd degree felony punishable by imprisonment for a term of not more than 20 years or less than 2 years and a fine not to exceed \$10,000.

Offense of Driving while Intoxicated (drugs or alcohol)

[Sections 49.04, 49.09, Texas Penal Code](#), provide that the offense of driving while intoxicated is punishable as a Class B misdemeanor with a minimum term of confinement of 72 hours unless the driver had an open container of alcohol in his possession in which case the offense is a Class B misdemeanor with a minimum term of confinement of six days in jail. One prior conviction enhances the punishment to a Class A misdemeanor with a minimum term of confinement of 30 days; two prior convictions enhances the punishment to a 3rd degree felony.

Offense of Consumption or Possession of Alcohol in Motor Vehicle

[Section 49.03, Texas Penal Code](#), provides that the penalty for the offense of consumption of an alcoholic beverage while operating a motor vehicle in a public place is a Class C misdemeanor.

Offense of Public Intoxication

[Section 49.02, Texas Penal Code](#), provides that the offense of public intoxication wherein a person appears in a public place while intoxicated to the degree that the person may endanger himself or another person is punishable as a Class C misdemeanor, unless the person is younger than 21 years old, wherein Sections 106.071 and 106.115, Texas Alcoholic Beverage Code apply and provide for a Class C misdemeanor punishment and attendance at an alcohol awareness program, and where the offender has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

Offense of Purchase of Alcohol by a Minor

[Sections 106.02, 106.071, and 106.115, Texas Alcoholic Beverage Code](#), provide that the offense of the purchase of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and when the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

Offense of Consumption of Alcohol by Minor

[Sections 106.04, 106.071, and 106.115, Texas Alcoholic Beverage Code](#), provide that the offense of consumption of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

Offense of Possession of Alcohol by Minor

[Sections 106.05, 106.071, and 106.115, Texas Alcoholic Beverage Code](#), provide that the possession of alcohol by a minor is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the person has been previously convicted twice for an alcohol-related offense by a minor, the punishment is a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both the fine and confinement; community service of 8 to 40 hours; suspension of Texas Driver's License or permit for 30 to 180 days and attendance at an alcohol awareness program.

Offense of Sale of Alcohol to a Minor

[Section 106.03, Texas Alcoholic Beverage Code](#), provides that the penalty for selling alcohol to a minor is a Class A misdemeanor.

Offense of Purchase of Alcohol for a Minor or Furnishing Alcohol to a Minor

[Section 106.06, Texas Alcoholic Beverage Code](#), provides that the penalty for purchasing alcohol for a minor or giving or making available an alcoholic beverage to a minor is a Class B misdemeanor.

Offense of Misrepresentation of Age by a Minor to Person Selling or Serving Alcoholic Beverages

[Sections 106.07, 106.071, and 106.115, Texas Alcoholic Beverage Code](#), provide that the penalty for misrepresentation of age by a minor to a person selling or serving alcoholic beverages is punishable as a Class C misdemeanor and attendance at an alcohol awareness program, and where the offender is a minor previously convicted twice for alcohol-related offenses, a fine of not less than \$250 or more than \$2000; confinement in jail for a term not to exceed 180 days; or both fine and imprisonment; community service of 8 to 40 hours; suspension of Texas Driver's License for 30 to 180 days and attendance at an alcohol awareness program

Manufacture or delivery of controlled substances (drugs)

- Minimum Punishment: Confinement in jail for a term of not more than 2 yrs. or less than 180 days, and a fine not to exceed \$10,000
- Maximum Punishment: Confinement in TDC for life or for a term of not more than 99 years nor less than 15 years, and a fine not to exceed \$250,000

Possession of controlled substances (drugs)

- Minimum Punishment: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000 or both
- Maximum Punishment: Confinement in TDC for life or for a term of not more than 99 years nor less than 10 years, and a fine not to exceed \$250,000

Delivery of marijuana

- Minimum Punishment: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000 or both
- Maximum Punishment: Confinement in TDC for life or for a term of not more than 99 years nor less than 10 years, and a fine not to exceed \$100,000

Possession of marijuana

- Minimum Punishment: Confinement in jail for a term of not more than 180 days, a fine not to exceed \$2,000 or both
- Maximum Punishment: Confinement in TDC for life or for a term of not more than 99 years nor less than 5 years, and a fine not to exceed \$50,000

Driving while intoxicated (includes intoxication from alcohol, drugs, or both)

- Minimum Punishment: Confinement in jail for a term of not more than 180 days nor less than 72 hours, and a fine of not more than \$2,000
- Maximum Punishment: Imprisonment for a term of not more than 10 years nor less than 2 years, and a fine not to exceed \$10,000

Public intoxication - Class C misdemeanor

- Minimum Punishment: A fine not to exceed \$500

Purchase of alcohol by a minor

- Minimum Punishment: A fine not to exceed \$500

Consumption or possession of alcohol by a minor

- Minimum Punishment: A fine not to exceed \$500

Providing alcohol to a minor - Class A misdemeanor

- Punishment: A fine not to exceed \$4000 or confinement in jail for a term not to exceed one year or both

Criminal Penalties:

A **Class C misdemeanor** is punishable by a fine not to exceed \$500.

A **Class B misdemeanor** is punishable by a fine not to exceed \$2000; confinement in jail for a term not to exceed 180 days; or both fine and confinement.

A **Class A misdemeanor** is punishable by a fine not to exceed \$4000; confinement in jail for a term not to exceed one year; or both fine and confinement.

A **state jail felony** is punishable by confinement in a state jail for any term of not more than 2 years or less than 180 days and by a fine not to exceed \$10,000.

A **3rd degree felony** is punishable by imprisonment for any term of not more than 10 years or less than 2 years and a fine not to exceed \$10,000.

A **2nd degree felony** is punishable by imprisonment for any term of not more than 20 years or less than 2 years and a fine not to exceed \$10,000.

A **1st degree felony** is punishable by imprisonment for life or for any term of not more than 99 years or less than 5 years and a fine not to exceed \$10,000.