

## **North Texas Cracking Down on DWI During the Holiday Season: DWI Attorneys at Barnett Howard & Williams PLLC explain the Legality of No Refusal Weekends**

*DWI Attorneys from Barnett Howard & Williams PLLC explain Tarrant County's DWI "No Refusal" period which lasts throughout the holiday season.*

Fort Worth, Texas ([PRWEB](#)) December 30, 2015 -- As various holidays approach throughout the year ( [Christmas](#), New Year's, Big Game, 4th of July, etc.), police agencies in North Texas impose "No Refusal Weekends," in which they crack down on drivers suspected of driving while intoxicated. What does "No Refusal" actually mean and how does the law impact holiday travel? The Tarrant County DWI defense [attorneys at Barnett Howard & Williams PLLC](#) explain more.

What does it mean when the police impose a No Refusal Weekend?

Typically, "No Refusal" refers to a short period of time, usually a holiday weekend or other special event, where law enforcement surges their capacity to conduct routine traffic stops, detaining drivers for suspected DWI. If, during the course of the traffic stop, the police officer requests a sample of the driver's breath or blood, and the driver refuses to comply, the officer has the ability to quickly contact an on-call judge to obtain a search warrant. If the judge determines that that (1) there was reasonable suspicion for the officer to detain the driver, and, (2) there is probable cause to believe the driver is driving under the influence of alcohol or drugs, then the judge may authorize a search of the driver's blood for evidence of DWI. See the Texas Transportation Code sections 724.011(a), 724.012(b), 724. Some police agencies also employ an on-call nurse or phlebotomist to take the sample on site and others transport the arrested driver to a hospital or other facility to obtain the sample. The goal of the process is to capture the blood alcohol concentration at its highest level before the alcohol level has time to dissipate.

Can Police Take Blood Without Consent?

In 2014, the Texas Court of Criminal Appeals struck down Texas' implied consent law, holding that "warrantless, nonconsensual testing of a DWI suspect's blood does not...fall within any recognized exception to the Fourth Amendment's warrant requirement." *State v. Villareal*, PD-0306-14 (Tex. Crim. App. 2014). However, a search warrant changes the game. While a driver may refuse a blood or breath test upon an initial request by police, after a judge issues a search warrant a driver may not refuse.

Penalties for Driving While Intoxicated in Texas

Texas lawmakers have passed strong laws to punish the crime of DWI. For first time offenses, a driver convicted of DWI could receive a fine of up to \$2,000, and up to 180 days in jail. For a second DWI conviction, the consequences are even more severe. A third DWI conviction is a felony offense in Texas, carrying a fine of up to \$10,000, and a prison term up to 10 years. On top of these penalties, DWI offenders face driver's license suspension, and hefty license surcharges from the Texas Department of Public Safety.

Drinking and Driving is Not Worth the Risk

With the ease of alternate transportation and the significant penalties that abound, drinking and driving is not



worth the risk. If you are arrested during a No Refusal period and charged with driving while impaired or under the influence, you need to seek professional legal counsel immediately. Attempting to fight a DUI or DWI charge without a [DWI defense attorney](#) is not a wise choice. If you have been charged with a Driving While Intoxicated in Fort Worth, Texas or Tarrant County, call the attorneys at Barnett Howard & Williams PLLC today. Our attorneys will make sure you get the effective representation that you deserve, and will alongside you to explore all of your options. To contact us today, call us now at 817-993-9249.



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