

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**March 16, 2005**

**TO:** Honorable Joe Driver, Chair, House Committee on Law Enforcement

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB309** by McClendon (Relating to the authority of certain law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to allow and specify criteria and procedures for law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated. The bill would take effect immediately if it receives the requisite two-thirds votes in each house; otherwise, it would take effect September 1, 2005.

The Department of Public Safety indicates that officers will need to be trained to become familiar with the requirements; however, the sobriety checkpoint training can be handled within existing resources.

**Local Government Impact**

Depending on the application of the bill, establishing the checkpoints could result in increased costs to local law enforcement agencies. There would be nominal materials costs (e.g., portable road signs) and costs to publicize the operation of the checkpoint. Depending on the time of day or the day of the week that the checkpoint is established, larger costs would result from the salaries of the peace officers assigned to operate the checkpoint.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, VDS, KJG, SJ