

Amend CSHB 2357 (senate committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The heading to Section 411.0095, Government Code, is amended to read as follows:

Sec. 411.0095. VEHICLE [~~THEFT~~] CHECKPOINTS NEAR TEXAS-MEXICO [~~AT~~] BORDER [~~CROSSING~~].

SECTION \_\_\_\_\_. Sections 411.0095(a), (b), (c), and (d), Government Code, are amended to read as follows:

(a) The department may establish [~~a program for the purpose of establishing~~] border [~~crossing~~] checkpoints to prevent:

(1) stolen vehicles, farm tractors or implements, construction equipment, aircraft, or watercraft, in violation of Section 31.03, Penal Code, or Sec. 501.153, Transportation Code, from entering Mexico.

The established checkpoint may also prevent the unlawful possession or unlawful and imminent movement or transfer from this state to Mexico of:

(1) firearms, in violation of Section 46.14, Penal Code;

(2) controlled substances, in violation of Chapter 481, Health and Safety Code;

(3) currency, in violation of Section 34.02, Penal Code;

(b) A checkpoint may be established under Subsection (a) if the checkpoint is:

(1) located within 250 yards of a federally designated crossing facility located at or near the actual boundary between this state and Mexico;

(2) located on a public highway or street leading directly to an international border crossing;

(3) designed to stop only traffic bound for Mexico;  
and

(4) operated in such a manner as to prevent firearms, controlled substances, currency, [~~stop only~~] vehicles, tractors or implements, equipment, aircraft, or watercraft that [~~for which~~] law enforcement authorities have probable cause to believe are

unlawfully possessed or being unlawfully and imminently transferred or moved from this state to ~~[is stolen and bound for]~~ Mexico from being possessed or transferred or moved to Mexico.

(c) The department may establish ~~[the]~~ border checkpoints ~~[crossing checkpoint program]~~ in conjunction with federal and local law enforcement authorities. The department and federal and local law enforcement authorities may share the cost of staffing the checkpoints.

(d) The department shall establish procedures governing the encounter between the driver and the peace officers operating the checkpoint that ensure that any intrusion on the driver is minimized and that the inquiries made are reasonably related to the purpose of the checkpoint. ~~[A peace officer at the checkpoint may not direct a driver or a passenger in a motor vehicle to leave the vehicle or move the vehicle off the roadway unless the officer has reasonable suspicion or probable cause to believe that the person committed or is committing an offense. However, a peace officer may require that each motor vehicle passing through the checkpoint be diverted to a location immediately adjacent to the roadway, if desirable, to ensure safety.]~~

SECTION \_\_\_\_\_. Effective September 1, 2015, Section 411.0095, Government Code, is amended to read as follows:

Sec. 411.0095. VEHICLE THEFT CHECKPOINTS AT BORDER CROSSING. (a) The department may establish a program for the purpose of establishing border crossing checkpoints to prevent stolen vehicles, farm tractors or implements, construction equipment, aircraft, or watercraft from entering Mexico.

(b) A checkpoint may be established under Subsection (a) if the checkpoint is:

(1) located within 250 yards of a federally designated crossing facility located at or near the actual boundary between this state and Mexico;

(2) located on a public highway or street leading directly to an international border crossing;

(3) designed to stop only traffic bound for Mexico;  
and

(4) operated in such a manner as to stop only vehicles,

tractors or implements, equipment, aircraft, or watercraft for which law enforcement authorities have probable cause to believe is stolen and bound for Mexico.

(c) The department may establish the border crossing checkpoint program in conjunction with local law enforcement authorities. The department and local law enforcement authorities may share the cost of staffing the checkpoints.

(d) The department shall establish procedures governing the encounter between the driver and the peace officers operating the checkpoint that ensure that any intrusion on the driver is minimized and that the inquiries made are reasonably related to the purpose of the checkpoint. A peace officer at the checkpoint may not direct a driver or a passenger in a motor vehicle to leave the vehicle or move the vehicle off the roadway unless the officer has reasonable suspicion or probable cause to believe that the person committed or is committing an offense. However, a peace officer may require that each motor vehicle passing through the checkpoint be diverted to a location immediately adjacent to the roadway, if desirable, to ensure safety.

(e) In this section:

(1) "Motor vehicle" and "vehicle" have the meanings assigned to those terms by Section 541.201, Transportation Code.

(2) "Watercraft" has the meaning assigned by Section 49.01, Penal Code.