

## **BILL ANALYSIS**

S.B. 288  
By: Lucio  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Illegal transfers of bulk currency and firearms fuel drug violence in northern Mexico. It has been reported that millions in bulk cash are shipped to Mexico each month from the United States and that several large Texas cities and areas are the main sources for illegally obtained guns being recovered in Mexico. Drug violence in Mexico poses a homeland security risk to Texas, creates illicit business opportunities for homegrown criminal enterprises, and threatens the safety of Texas communities, particularly along the border.

Currently, the Department of Public Safety (DPS) does not have the authority to operate vehicle checkpoints near the Texas-Mexico border for purposes other than preventing stolen vehicles, farm tractors or implements, construction equipment, aircraft, or watercraft from entering Mexico. S.B. 288 amends current law to authorize DPS to operate one or more southbound vehicle checkpoints near the international border of Texas for the purpose of preventing certain criminal offenses.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 288 amends the Government Code to authorize the Department of Public Safety (DPS) to establish border checkpoints, rather than authorizing DPS to establish a program for the purpose of establishing border crossing checkpoints; to specify that provisions of law relating to vehicle theft checkpoints at a border crossing apply to vehicle checkpoints near the Texas-Mexico border; and to make related conforming changes. The bill changes the established purpose of the checkpoints from preventing stolen vehicles, farm tractors or implements, construction equipment, aircraft, or watercraft from entering Mexico to preventing the unlawful possession or unlawful and imminent movement or transfer from Texas to Mexico of firearms constituting a firearm smuggling offense, controlled substances constituting a violation of the Texas Controlled Substances Act, currency constituting a money laundering offense, or stolen vehicles, farm tractors or implements, construction equipment, aircraft, or watercraft constituting a theft offense. The bill makes related conforming changes to reflect the change in the established purpose of the checkpoints. The bill authorizes DPS to establish border checkpoints and share the cost of staffing the checkpoints with federal law enforcement authorities, in addition to local law enforcement authorities. The bill removes the prohibition against a peace officer at a checkpoint directing a driver or passenger in a motor vehicle to leave the vehicle or move the vehicle off of the roadway unless the officer has reasonable suspicion or probable cause to believe that the person committed or is committing an offense and the authorization for such a peace officer to require each motor vehicle passing through the checkpoint to be diverted to a location immediately adjacent to the roadway, if desirable, to ensure safety.

S.B. 288, effective September 1, 2015, reenacts Section 411.0095, Government Code, relating to

vehicle theft checkpoints at a border crossing, to restore those provisions of law to the state as those provisions existed before being amended by the bill.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.