

## **BILL ANALYSIS**

Senate Research Center  
82R3272 SJM-D

S.B. 294  
By: Hinojosa  
Transportation & Homeland Security  
3/28/2011  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 294 authorizes the Texas Alcoholic Beverage Commission (TABC) and the Department of Public Safety of the State of Texas (DPS) to jointly investigate the feasibility of, and to operate permanent and/or roving southbound vehicle inspection checkpoints (checkpoints) in counties along the border with Mexico for the purposes of finding guns, large sums of currency, drug paraphernalia, or other contraband.

S.B. 294 creates "checkpoint zones" that are within one mile of the international border with Mexico where TABC and DPS would be allowed to operate these checkpoints. It allows DPS and local law enforcement authorities to share with the federal government the cost of staffing any southbound checkpoints, but does not require it. S.B. 294 requires DPS to establish procedures to govern the locations of the checkpoints and to ensure that, in the absence of reasonable suspicion or probable cause, inquiries are reasonably related to the purpose of the checkpoint, made with minimal intrusion on the driver or occupant of the vehicle, and made in a consistent and indiscriminate manner with respect to all vehicles entering the checkpoint.

S.B. 294 also allows the attorney general, with the approval of the governor, to enter into an agreement with the federal government to properly implement the legislation if deemed necessary to fully implement the southbound checkpoints.

As proposed, S.B. 294 amends current law relating to authorizing DPS and TABC to investigate the feasibility of and cooperate in the establishment of southbound checkpoints along the international border of this state.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the public safety director in SECTION 1 (Section 411.0208, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0208, as follows:

Sec. 411.0208. INTERNATIONAL BORDER CHECKPOINTS. (a) Requires the Department of Public Safety of the State of Texas (DPS) and the Texas Alcoholic Beverage Commission jointly, to prevent the unlawful transfer of firearms, bulk currency, drugs and drug paraphernalia, and other contraband from this state to the United Mexican States, to investigate the feasibility of assisting federal authorities in establishing permanent or temporary checkpoints along the international border of this state for the purpose of conducting inspections of vehicles leaving this state and entering the United Mexican States. Requires DPS, if DPS determines that assistance to be feasible, to cooperate with appropriate federal agencies to set up the checkpoints.

(b) Requires that a checkpoint described by Subsection (a) be located at or within one mile of the international border of this state, and be designed to stop only traffic leaving this state and entering the United Mexican States.

(c) Authorizes DPS and local law enforcement authorities to share with the federal government the cost of staffing any checkpoints established as described by this section.

(d) Requires DPS to establish procedures to govern the specific locations of the checkpoints and to ensure that, in the absence of reasonable suspicion or probable cause, any inquiries directed toward a driver or occupant of a vehicle at a checkpoint are:

(1) reasonably related to the purpose of the checkpoint;

(2) made with minimal intrusion on the driver or occupant of the vehicle;  
and

(3) made in a consistent and indiscriminate manner with respect to all vehicles entering the checkpoint.

(e) Requires the attorney general, if necessary to implement this section, subject to approval by the governor, to enter into an agreement under 8 U.S.C. Section 1357(g) with the United States Office of the Attorney General or other appropriate federal agency.

(f) Requires that an agreement entered into under Subsection (e) be signed on behalf of this state by the attorney general of this state, the governor of this state, and as otherwise required by the appropriate federal agency.

(g) Authorizes a law enforcement agency to enter into an agreement with a corporation or other private entity to provide goods or services for the establishment and operation of a checkpoint or the performance of inspections under this section.

(h) Requires the public safety director to adopt rules as necessary to administer this section.

SECTION 2. Effective date: upon passage or September 1, 2011.