

By: Peña

H.B. No. 48

A BILL TO BE ENTITLED

1 AN ACT
2 relating to authorizing the Department of Public Safety of the
3 State of Texas to investigate the feasibility of and cooperate in
4 the establishment of southbound checkpoints along the
5 international border of this state.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter A, Chapter 411, Government Code, is
8 amended by adding Section 411.0208 to read as follows:

9 Sec. 411.0208. INTERNATIONAL BORDER CHECKPOINTS. (a) To
10 prevent the unlawful transfer of firearms and bulk currency from
11 this state to the United Mexican States, the department shall
12 investigate the feasibility of assisting federal authorities in
13 establishing checkpoints along the international border of this
14 state for the purpose of conducting inspections of vehicles leaving
15 this state and entering the United Mexican States. If the
16 department determines that assistance to be feasible, the
17 department shall cooperate with appropriate federal agencies to set
18 up the checkpoints.

19 (b) A checkpoint described by Subsection (a) must be:

20 (1) located at or within 250 yards of a federally
21 designated crossing facility located at or near the actual boundary
22 between this state and the United Mexican States;

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

1 (3) designed to stop only traffic leaving this state
2 and entering the United Mexican States.

3 (c) A peace officer employed by the department may not
4 conduct an inspection of a vehicle under this section unless the
5 officer has reasonable suspicion or probable cause to believe that
6 a passenger in the vehicle has violated Section 34.02 or 46.14,
7 Penal Code, or 18 U.S.C. Section 554, 18 U.S.C. Section 922, 18
8 U.S.C. Section 1956, or 31 U.S.C. Section 5332.

9 (d) The department and local law enforcement authorities
10 may share with the federal government the cost of staffing any
11 checkpoints established as described by this section.

12 (e) The department shall establish procedures governing the
13 encounter between the driver and the peace officers operating the
14 checkpoint that ensure that any intrusion on the driver is
15 minimized and that the inquiries made are reasonably related to the
16 purpose of the checkpoint.

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

21 (g) An agreement entered into under Subsection (f) must be
22 signed on behalf of this state by the attorney general of this state
23 and the governor of this state and as otherwise required by the
24 appropriate federal agency.

25 (h) A law enforcement agency may enter into an agreement
26 with a corporation or other private entity to provide goods or
27 services for the establishment and operation of a checkpoint or the

1 performance of inspections under this section.

2 (i) The director shall adopt rules as necessary to
3 administer this section.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2011.