

By: Hinojosa

S.B. No. 294

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

23 (1) located at or within one mile of the international  
24 border of this state; and

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

3           (c) The department and local law enforcement authorities  
4 may share with the federal government the cost of staffing any  
5 checkpoints established as described by this section.

6           (d) The department shall establish procedures to govern the  
7 specific locations of the checkpoints and to ensure that, in the  
8 absence of reasonable suspicion or probable cause, any inquiries  
9 directed toward a driver or occupant of a vehicle at a checkpoint  
10 are:

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

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

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

17           (e) 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           (f) An agreement entered into under Subsection (e) 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           (g) 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 (h) 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.