

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 9, 2011**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB439** by Smith, Todd (Relating to the authority of the Department of Public Safety of the State of Texas and certain local law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to authorize the Department of Public Safety (DPS) in counties with a population of more than 250,000, county sheriffs in a county with a population of 250,000 or more, or a police department in a municipality with a population of 500,000 or more to operate a temporary sobriety checkpoint on a highway or street. The parameters for approving, establishing, operating, publicizing, and keeping records of the checkpoint are included in the bill. The bill also would require law enforcement agencies utilizing temporary sobriety checkpoints to report the operation of each checkpoint during the preceding calendar year to DPS, and would require DPS to submit a report on the effectiveness of sobriety checkpoints to the governor, the lieutenant governor, and the speaker of the house of representatives.

The Texas Department of Public Safety (DPS) reported the Texas Highway Patrol (THP) division will need to update the THP manual, and the Information Technology division will need contractor hours for systems analysis, programming and database administration to maintain statistics and report to the Texas Department of Transportation (TxDOT) annually. This analysis assumes DPS could implement the provisions of the bill within existing appropriations.

It is anticipated that an agency (state or local) would establish and operate sobriety checkpoints only if the agency has sufficient resources for the operation.

The bill would take effect immediately if it were to receive the required two-thirds vote in both houses; otherwise, it would take effect September 1, 2011.

**Local Government Impact**

It is assumed that an applicable county or a municipality would establish and operate sobriety checkpoints only if the entity has sufficient resources for the operation or it would not result in a negative fiscal impact; therefore, no significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** JOB, ESi, TP