

AN ACT

relating to authorizing the Department of Public Safety of the State of Texas to establish a statewide program for the prevention and detection of certain criminal offenses.

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

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

Sec. 411.0208. STATEWIDE PROGRAM FOR THE PREVENTION AND DETECTION OF CERTAIN CRIMINAL OFFENSES. (a) The department may establish a program throughout this state for preventing and detecting:

(1) the unlawful possession or the unlawful and imminent movement or transfer between this state and an adjacent state or the United Mexican States of:

(A) firearms, in violation of Section 46.14, Penal Code;

(B) controlled substances, in violation of Chapter 481, Health and Safety Code; or

(C) currency, in violation of Section 34.02, Penal Code; and

(2) the commission or imminent commission of the offenses of smuggling of persons under Section 20.05, Penal Code, and trafficking of persons under Section 20A.02, Penal Code, occurring in this state or involving travel between this state and

1 an adjacent state or the United Mexican States.

2 (b) A peace officer participating in a program established
3 under this section must have reasonable suspicion or probable cause
4 to believe that firearms, controlled substances, or currency are
5 unlawfully possessed or being unlawfully and imminently moved or
6 transferred between this state and an adjacent state or the United
7 Mexican States or that an offense described by Subsection (a)(2)
8 has been committed or imminently will be committed, as applicable,
9 before exercising the officer's authority under the program,
10 including stopping a person or vehicle or coming into contact with a
11 person.

12 (c) In developing the program, the department shall
13 establish:

14 (1) clear guidelines and procedures to mitigate any
15 unnecessary negative impact on the flow of trade, commerce, or
16 daily business activities in locations where the program is
17 implemented; and

18 (2) protocols, standards, and guidelines to minimize
19 any intrusion on a person in an encounter with a peace officer
20 exercising the officer's authority under the program.

21 (d) The department shall implement the program established
22 under this section in conjunction with federal and local law
23 enforcement agencies.

24 (e) The director shall adopt rules as necessary to implement
25 and administer a program established under this section.

26 SECTION 2. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

S.B. No. 1853

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1853 passed the Senate on April 30, 2015, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1853 passed the House, with amendment, on May 22, 2015, by the following vote: Yeas 129, Nays 11, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor