

By: King of Hemphill

H.B. No. 2607

A BILL TO BE ENTITLED

AN ACT

relating to checkpoints established by the Department of Public Safety at roadways entering this state from New Mexico or Oklahoma.

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

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.00951 to read as follows:

Sec. 411.00951. CHECKPOINTS AT ENTRY POINTS FROM NEW MEXICO OR OKLAHOMA. (a) The department shall establish a program for the purpose of establishing state border crossing checkpoints to prevent controlled substances from entering this state and for the prevention and detection of other criminal offenses.

(b) A checkpoint shall be established under Subsection (a) at each point located on a public highway or street leading directly to a border between this state and New Mexico or Oklahoma.

(c) A checkpoint established under Subsection (a) shall be operated in a manner as to only stop a motor vehicle:

(1) that is entering this state; and

(2) if law enforcement has probable cause to believe a driver or passenger of the vehicle is bringing a controlled substance into this state or has committed another criminal offense.

(d) The department may establish the state border crossing checkpoint program in conjunction with local law enforcement authorities. The department and local law enforcement authorities

1 may share the cost of staffing the checkpoints.

2 (e) The department shall establish procedures governing the  
3 encounter between the driver and the peace officers operating the  
4 checkpoint that ensure that any intrusion on the driver is  
5 minimized and that the inquiries made are reasonably related to the  
6 purpose of the checkpoint. A peace officer at the checkpoint may  
7 not direct a driver or a passenger in a motor vehicle to leave the  
8 vehicle or move the vehicle off the roadway unless the officer has  
9 reasonable suspicion or probable cause to believe that the person  
10 committed or is committing an offense, including an offense  
11 relating to the possession of a controlled substance. However, a  
12 peace officer may require that each motor vehicle passing through  
13 the checkpoint be diverted to a location immediately adjacent to  
14 the roadway, if desirable, to ensure safety.

15 (f) In this section:

16 (1) "Controlled substance" has the meaning assigned by  
17 Section 481.002, Health and Safety Code.

18 (2) "Motor vehicle" has the meaning assigned by  
19 Section 541.201, Transportation Code.

20 SECTION 2. This Act takes effect September 1, 2019.