

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 288  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Illegal transfers of bulk currency and firearms fuel drug violence in northern Mexico. According to a recently released report from the Woodrow Wilson International Center for Scholars, millions in bulk cash is shipped to Mexico each month from the United States. According to the Bureau for Alcohol, Tobacco, and Firearms, Houston is the number one source for illegally obtained guns being recovered in Mexico, with Dallas and the Rio Grande Valley being second and third, respectively.

Currently, the Department of Public Safety (DPS) does not have the authority to operate checkpoints other than within 250 yards of an international border crossing and for the purpose of preventing stolen vehicles, farm tractors or implements, construction equipment, aircraft, or watercraft from entering Mexico.

S.B. 288 authorizes DPS, in cooperation with the federal government, to establish checkpoints. The bill states that these checkpoints will be established for the purpose of conducting inspections of vehicles leaving this state and entering the United Mexican States. The purpose of the checkpoints is limited to suspected violations of state law.

Drug violence in Mexico poses a homeland security risk to Texas, creates illicit business opportunities for homegrown criminal enterprises, and fosters disquiet in Texas communities, particularly along the border. By disrupting the transportation of illegally obtained and smuggled bulk currency and firearms, Texas will be protecting Texans, while aiding the sovereign Mexican government as it battles transnational criminal enterprises.

As proposed, S.B. 288 amends current law relating to authorizing the Department of Public Safety of the State of Texas to investigate the feasibility of and cooperate in the establishment of southbound checkpoints along the international border of this state.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the director of the Department of Public Safety of the State of Texas in SECTION 1 (Section 411.0208, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0208, as follows:

Sec. 411.0208. INTERNATIONAL BORDER CHECKPOINTS. (a) Requires the Department of Public Safety of the State of Texas (DPS), in order to prevent the unlawful transfer of firearms and bulk currency from this state to the United Mexican States, to investigate the feasibility of assisting federal authorities in establishing checkpoints along the international border of this state for the purpose of conducting inspections of vehicles leaving this state and entering the United Mexican States. Requires DPS, if DPS determines that assistance to be feasible, to cooperate with appropriate federal agencies to set up the checkpoints.

(b) Requires that a checkpoint described by Subsection (a) be:

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

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

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

(c) Prohibits a peace officer employed by DPS from conducting an inspection of a vehicle under this section unless the officer has reasonable suspicion or probable cause to believe that a passenger in the vehicle has violated Section 34.02 (Money Laundering) or 46.14 (Firearm Smuggling), Penal Code, or 18 U.S.C. Section 554, 18 U.S.C. Section 922, 18 U.S.C. Section 1956, or 31 U.S.C. Section 5332.

(d) Authorizes DPS and local law enforcement authorities to share with the federal government the cost of staffing any checkpoints established as described by this section.

(e) Requires DPS to establish procedures governing the encounter between the driver and the peace officers operating the checkpoint that ensure that any intrusion on the driver is minimized and that the inquiries made are reasonably related to the purpose of the checkpoint.

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

(g) Requires that an agreement entered into under Subsection (f) be signed on behalf of this state by the attorney general of this state and the governor of this state and as otherwise required by the appropriate federal agency.

(h) Authorizes a law enforcement agency to enter into an agreement with a corporation or other private entity to provide goods or services for the establishment and operation of a checkpoint or the performance of inspections under this section.

(i) Requires the director of DPS to adopt rules as necessary to administer this section.

SECTION 2. Effective date: upon passage or September 1, 2011.