

By: Lucio

S.B. No. 1853

A BILL TO BE ENTITLED

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 the unlawful possession or the unlawful and imminent movement or transfer from this state to an adjacent state or the United Mexican States of:

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

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

(3) currency, in violation of Section 34.02, Penal Code; or

(4) smuggling or trafficking of persons in violation of Section 20.05 or Chapter 20A, Penal Code.

(b) A peace officer participating in a program established under this section must have probable cause to believe that firearms, controlled substances, or currency are unlawfully

1 possessed, or that firearms, controlled substances, currency, or
2 persons are being unlawfully and imminently moved or transferred
3 from this state to an adjacent state or the United Mexican States,
4 as applicable, before exercising the officer's authority under the
5 program, including stopping a person or vehicle or coming into
6 contact with a person.

7 (c) In developing the program, the department shall
8 establish:

9 (1) clear guidelines and procedures to mitigate any
10 unnecessary negative impact on the flow of trade, commerce, or
11 daily business activities in locations where the program is
12 implemented; and

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

16 (d) The department shall implement the program established
17 under this section in conjunction with federal and local law
18 enforcement agencies.

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

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2015.