

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 26, 2005

TO: Honorable David Dewhurst, Lieutenant Governor, Senate

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

IN RE: SB1195 by Hinojosa (Relating to the authority of peace officers to conduct certain searches.),
As Passed 2nd House

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure and the Government Code as it relates to the authority of peace officers to conduct certain searches.

The bill would amend the Code of Criminal Procedure to prohibit a search of a motor vehicle stopped for an alleged violation of a law or ordinance regulating traffic, unless the peace officer has probable cause or another legal basis, conducts a search for weapons based on a fear for the officer's safety or the safety of others, written consent of the operator of the vehicle, or oral consent of the operator of the vehicle.

The bill would also amend the Government Code to require the Department of Public Safety to establish requirements for 1) a form used to obtain the written consent of the operator of a vehicle under Article 1.06, Code of Criminal Procedure and 2) an audio and video recording used as evidence of the oral consent of the operator of a vehicle under Article 1.06, Code of Criminal Procedure.

The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. There may be some costs to local law enforcement agencies to train officers on the new requirements, but these costs are not expected to be significant.

Source Agencies:

LBB Staff: JOB, KJG, VDS, SJ