

# Summary of state court decisions on the constitutionality of sobriety checkpoints

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## State court decisions on the constitutionality of sobriety checkpoints

Sobriety checkpoints are a valuable component of a comprehensive enforcement strategy aimed at deterring alcohol-impaired driving. Research shows that the key to effective deterrence is the public's perception of the likelihood of being caught in violation of the law. The public has been shown repeatedly to identify checkpoint activity with increased risk of apprehension. This table lists the citations to common law and statutes relevant to the constitutional and other issues raised by sobriety checkpoints, organized by state.

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Alabama	<b>Permitted under the U.S. Constitution.</b> Driving into private driveway to avoid a checkpoint justified a stop. <i>Smith v. State</i> , 515 So. 2d 149 (Ala. Ct. App. 1987). See also <i>Cains v. State</i> , 555 So. 2d 290 (Ala. Ct. App. 1989); <i>Brunson v. State</i> , 580 So.2d 62 (Ala. Ct. App. 1991); and <i>McInnish v. State</i> , 584 So.2d 95 (Ala. Ct. App. 1991). General checkpoint to deter "trouble" impermissible under <i>Hagood v. Town of Town Creek</i> , 628 So.2d 1057 (Ala. Ct. App. 1993).
Alaska	<b>No state authority.</b>
Arizona	<b>Permitted under the U.S. Constitution.</b> <i>State v. Superior Court</i> , 691 P.2d 1073 (1984). In <i>State v. Tykwinski</i> , 824 P.2d 761 (Ariz. App. 1991), defendants tried to suppress evidence obtained at a checkpoint. Because the checkpoint itself was legal, the evidence was admitted.
Arkansas	<b>Permitted under the Arkansas and U.S. Constitutions.</b> <i>Brouhard v. Lee</i> , 125 F.3d 656 (8th Cir. 1997) and <i>Mullinax v. State</i> , 938 S.W.2d 801 (Ark. 1997). See also <i>Coffman v. State</i> , 759 S.W.2d 573 (Ark. Ct. App.1988); <i>Tims v. State</i> , 760 S.W.2d 78 (Ark. Ct. App.1988); and <i>Camp v. State</i> , 764 S.W.2d 463 (Ark. Ct. App.1989). In <i>Sheridan v. State</i> , 247 S.W.3d 481 (Ark. 2007), the court rejected an Eight Circuit court's rational from a previous decision and concluded that <i>Mich. Dept. of State Police v. Sitz</i> , 496 U.S. 444 (1990) does not require authorization from a public official before conducting a sobriety checkpoint. The court applied the factors from <i>State v. Hicks</i> , 55 S.W.3d 515 (Tenn. 2001) (decision to establish the checkpoint cannot be made by officers conducting the checkpoint and officers on scene cannot decide the procedures to be used) in holding that a checkpoint must be carried out pursuant to a neutral explicit plan governing the conduct of the participating officers. <i>Whalen v. State</i> , 500 S.W.3d 710 (Ark. 2016).
California	<b>Permitted under the California and U.S. Constitutions.</b> <i>Ingersoll v. Palmer</i> , 743 P.2d 1299 (Cal. 1987) and <i>People v. In Re Richar T.</i> , 750 P.2d 297 (Cal. 1988) (No. 88-318), <i>cert. denied</i> , 488 U.S. 986 (1988). In <i>People v. Banks</i> , 863 P.2d 769 (Cal 1993), the court held that advance publicity is not necessary for a checkpoint to be valid.
Colorado	<b>Permitted under the Colorado and U.S. Constitutions.</b> <i>People v. Rister</i> , 803 P.2d 483 (Col. 1990) and <i>Orr v. People</i> , 803 P.2d 509 (Col. 1990). The <i>Rister</i> court held that the Colorado Constitution should be interpreted as coextensive with the U.S. Constitution with regard to checkpoints.
Connecticut	<b>Permitted under the Connecticut Constitution.</b> <i>State v. Mikolinski</i> , 775 A.2d 274 (Conn. 2001).

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Delaware	<b>Permitted under Delaware law and the U.S. Constitution.</b> <i>Delaware v. Prouse</i> , 440 U.S. 648 (1979). A trial court has held that a legally executed U-turn in advance of a checkpoint did not justify a stop. <i>Howard v. Voshell</i> , 621 A.2d 804 (Del. Super. 1992).
District of Columbia	<b>Permitted under the U.S. Constitution.</b> <i>Galberth v. United States</i> , 590 A.2d 990 (D.C. App. 1991); <i>United States v. McFayden</i> , 865 F.2d 1306 (D.C. Cir. 1989) upheld license and registration checks. The McFayden court found that when the principal purpose of a checkpoint is to regulate traffic using license and registration checks, the fact that the effort has benefits with regard to other offenses does not make an otherwise legal checkpoint invalid. <i>Duncan v. U.S.</i> , 629 A.2d 1 (D.C. App. 1993) follows <i>McFayden</i> .
Florida	<b>Permitted under the U.S. Constitution.</b> <i>State v. Jones</i> , 483 So.2d 433 (Fla.1986). <i>Campbell v. State</i> , 679 So.2d 1168 (Fla. 1996) found a checkpoint deficient under Jones because the written guidelines were insufficient, especially with regard to the method for choosing which vehicle(s) to stop. A delay of less than five minutes before a driver was asked to exit the vehicle was found to be permissible. <i>Cahill v. State</i> , 595 So.2d 258 (Fla. Dist. Ct. App. 1992).
Georgia	<b>Permitted under the Georgia and U.S. Constitutions.</b> <i>State v. Golden</i> , 318 S.E.2d 693 (Ga. Ct. App. 1984); <i>Seagraves v. State</i> , 442 S.E.2d 312 (Ga. Ct. App. 1994); <i>Hooten v. State</i> , 442 S.E.2d 836 (Ga. Ct. App. 1994); <i>Burns v. State</i> , 454 S.E.2d 152 (Ga. Ct. App. 1995); and <i>Brent v. State</i> , 510 S.E.2d 14 (Ga. 1998). Abnormal or unusual actions taken to avoid a roadblock may give an officer a reasonable suspicion of criminal activity even when the evasive action is not illegal; however, completely normal driving, even if it incidentally evades the roadblock, does not justify the type of stop authorized by <i>Terry v. Ohio</i> , 391 U.S. 1 (1968). <i>Taylor v. State</i> , 249 Ga. App. 733 (May 2001). See also <i>LaFontaine v. State</i> , 497 S.E.2d 367 (Ga. 1998), which establishes minimum requirements that a checkpoint must satisfy to be constitutional, and <i>Brown v. State</i> , 750 S.E.2d 148 (Ga. 2013), which explains how the <i>City of Indianapolis v. Edmond</i> , 531 U.S. 32 (2000) requirement differentiates from the <i>LaFontaine</i> requirement that a supervisor make the decision in advance rather than in the field. In <i>Williams v. State</i> , 750 S.E.2d 355 (Ga. 2013), in determining whether a checkpoint's primary purpose is other than general crime control, the court concluded that <i>Edmond</i> requires a review of the policy purpose at the programmatic level, and not just reviewing whether the specific checkpoint in question had a constitutionally permissible purpose.
Hawaii	<b>Permitted under Hawaii law.</b> Haw. Rev. Stat. 291E-19 and 291E-20. Also upheld under an unpublished opinion, <i>Hawaii v. Nagamine</i> (No. B-91009) (Hawaii 1985). Checkpoint standards are laid out in internal police regulation, which was discussed in <i>State v. Aguinaldo</i> , 782 P.2d 1225 (Haw. 1989) and <i>State v. Fedak</i> , 825 P.2d 1068 (Haw. Ct. App. 1992). Plurality holds that stopping a vehicle solely based on the fact that it turned ahead of a sobriety checkpoint violates the Hawaii Constitution and statutory guidelines for checkpoints. <i>State v. Heapy</i> , 151 P.3d 764 (Haw. 2007).

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Idaho	<b>Not permitted under Idaho law.</b> <i>State v. Henderson</i> , 756 P.2d 1057 (Idaho 1988) held legislative authority was required for a checkpoint. There is no such authority absent particularized suspicion in the Idaho statute that describes the circumstances under which police may put up a roadblock. <i>State v. Medley</i> , 898 P.2d. 1093 (Idaho 1995) held a fish and game checkpoint invalid under the U.S. Constitution. The <i>Medley</i> court noted that it was not addressing the issue of whether checkpoints violate the Idaho Constitution.
Illinois	<b>Permitted under the U.S. Constitution.</b> <i>People v. Bartley</i> , 486 N.E.2d 880 (Ill. 1985), <i>cert. denied</i> , 475 U.S. 1068 (1986). Checkpoints to enforce city sticker laws upheld if proper procedures are followed. <i>People v. Taylor</i> , 630 N.E.2d 1331 (Ill. App. Ct. 1994).
Indiana	<b>Permitted under the Indiana Constitution.</b> <i>Indiana v. Gerschoffer</i> , 763 N.E.2d 960 (Ind. 2002) held that checkpoints are not <i>per se</i> violations of state constitutional requirements although the particular roadblock in question was not constitutional. Previously, checkpoints had been conducted in Indiana under <i>Garcia</i> , which held checkpoints legal under the U.S. Constitution. <i>State v. Garcia</i> , 500 N.E.2d 158 (Ind. 1986), <i>cert. denied</i> , 481 U.S. 1014 (1987). In <i>Snyder v. State</i> , 538 N.E.2d 961 (Ind. Ct. App. 1989), the court held that avoiding a checkpoint was sufficient cause to conduct a stop. A drug interdiction checkpoint was held a violation of the U.S. Constitution in the <i>Edmond</i> decision. More recently, the court held that where sobriety checkpoints are brief, temporary, and public, <i>Miranda</i> warnings are not required. <i>State v. Brown</i> , 70 N.E.3d 331 (Ind. 2017).
Iowa	<b>Not permitted because statute authorizing roadblocks controls and does not authorize sobriety checkpoints.</b> 321K.1. DUI arrests may be made at roadblocks authorized by statute. <i>State v. Day</i> , 528 N.W.2d 100 (Iowa 1995). Absent statutory impediments, Iowa courts have upheld the constitutionality of checkpoints. <i>State v. Loyd</i> , 530 N.W. 2d 708 (Iowa 1995) and <i>State v. Riley</i> , 377 N.W.2d 242 (Iowa Ct. App. 1985). See also <i>State v. Hillesheim</i> , 291 N.W.2d. 314 (Iowa 1980). <i>State v. Heminover</i> , 619 N.W.2d (Iowa Ct. App. 2000) held avoidance does not justify stop. It also found the roadblock did not comply with guidelines.
Kansas	<b>Permitted under Kansas law and the U.S. Constitution.</b> <i>State v. Deskins</i> , 673 P. 2d 1174 (Kan. 1983). <i>Davis v. Kansas Dept. of Revenue</i> , 843 P.2d 260 (Kan. 1992) held that legislative authorization is not necessary for checkpoints. See also <i>State v. Baker</i> , 850 P.2d 885 (Kan. 1993) and <i>State v. Campbell</i> , 875 P.2d 1010 (Kan. Ct. App. 1994).
Kentucky	<b>Permitted under the U.S. Constitution.</b> <i>Kinslow v. Commonwealth</i> , 660 S.W.2d. 677 (Ky. Ct. App. 1984), <i>cert. denied</i> , 465 U.W. 1105 (1984). Avoiding a checkpoint is sufficient to justify a stop. <i>Steinbeck v. Commonwealth</i> , 862 S.W.2d 912 (Ky. Ct. App. 1993) and <i>Bauder v. Commonwealth</i> , 299 S.W.3d 588 (Ky. 2009), <i>reh'g denied</i> , 2010 Ky. LEXIS 482 (Ky. 2010), <i>cert. denied</i> , 560 U.S. 953 (2010). In <i>Commonwealth v. Cox</i> , 491 S.W.3d 167 (Ky. 2015), applying <i>Commonwealth v. Buchanon</i> , 122 S.W.3d 565 (Ky. 2003), the court assessed a checkpoint's constitutionality based on four factors: decisions regarding when and where and procedures to be applied should be determined by officials in a supervisory opinion, officers who participate should comply with the established procedures, nature of the checkpoint should be readily apparent to approaching motorists, and motorists should not be detained any longer than necessary to perform a cursory examination.

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Louisiana	<b>Permitted under the Louisiana Constitution.</b> <i>State v. Jackson</i> , 764 So.2d 64 (La. 2000), overruling <i>State v. Church</i> , 538 So.2d 993 (La. 1989) and <i>State v. Parms</i> , 523 So.2d 677 (La. 1988). See <i>State v. Owens</i> , 977 So.2d 300 (La. Ct. App. 2008), <i>Brown v. State</i> , 2012 La. App. Unpub. LEXIS 384, 2012 WL 1986505 (La Ct. App. 2012), and <i>State v. Hodges</i> , 2015 La. App. Unpub. LEXIS 292, 2015 WL 3614120 (La. Ct. App. 2015) for application of the <i>Jackson</i> decision.
Maine	<b>Permitted under the U.S. Constitution.</b> <i>State v. Leighton</i> , 551 A.2d 116 (Me. 1988); <i>State v. McMahon</i> , 557 A.2d 1324 (Me. 1989); <i>State v. Babcock</i> , 559 A.2d 337 (Me. 1989). Avoiding a checkpoint is grounds for an investigative stop. <i>State v. D'Angelo</i> , 605 A.2d 68 (Me. 1992). The State bares the burden of demonstrating that a checkpoint was planned and executed in a constitutional manner, including guidelines that minimize the officer's discretion in stopping a vehicle. <i>State V. Kent</i> , 15 A.3d 1286 (Me. 2011).
Maryland	<b>Permitted under the Maryland and U.S. Constitutions.</b> <i>Little v. State</i> , 479 A.2d 903 (Md. 1984).
Massachusetts	<b>Permitted under the Massachusetts and U.S. Constitutions.</b> <i>Commonwealth v. Shields</i> , 521 N.E.2d 987 (Mass. 1988). See <i>Commonwealth v. Anderson</i> , 547 N.E.2d 1134 (Mass. 1989) and <i>Commonwealth v. Cameron</i> , 407 N.E.2d 1005 (Mass. 1990) for court decisions invalidated checkpoints for failure to follow guidelines. The lawfulness of a secondary screening at a checkpoint is governed by the <i>Terry</i> decision requiring reasonable articulable suspicion and does not affect the determination of whether the checkpoint's guidelines are constitutional. <i>Commonwealth v. Murphy</i> , 910 N.E.2d 281 (Mass. 2009). Checkpoints to find contraband drugs are illegal. <i>Commonwealth v. Rodriguez</i> , 722 N.E.2d 429 (Mass. 2000).
Michigan	<b>Not permitted under the Michigan Constitution.</b> <i>Sitz v. Mich. Dept. of State Police</i> , 506 N.W.2d 209 (Mich. 1993). This case was remanded to the Michigan Supreme Court for a decision with regard to the Michigan Constitution, Const. 1963, Art. 1, Sec. 11, after the Supreme Court of the United States held in <i>Mich. Dept. of State Police v. Sitz</i> , 496 U.S. 444 (1990), that sobriety checkpoints do not offend the U.S. Constitution.
Minnesota	<b>Not permitted under the Minnesota Constitution.</b> <i>Ascher v. Comm. of Public Safety</i> , 519 N.W.2d 183 (Minn. 1994); <i>Gray v. Comm. of Public Safety</i> , 519 N.W.2d 187 (Minn. 1994). The courts require evidence of an advance in arrest rates before approving checkpoints under the Minnesota Constitution.
Mississippi	<b>Permitted under the U.S. Constitution.</b> <i>Miller v. State</i> , 373 So.2d 1004 (Miss. 1979). <i>McLendon v. State</i> , 945 So.2d 372 (Miss. 2006), <i>reh'g denied</i> , 2007 Miss. LEXIS 83 (Miss. 2007) <i>cert. denied</i> , 2007 551 U.S. 1145 (2007), held that stopping every vehicle removes an officer's discretion, even absent written procedures for setting up a roadblock.

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Missouri	<p><b>Permitted under the Missouri and U.S. Constitutions.</b> <i>State v. Welch</i>, 755 S.W.2d 624 (Mo. Ct. App. 1988); <i>State v. Payne</i>, 759 S.W.2d 252 (Mo. Ct. App. 1988); <i>State v. Damask</i>, 936 S.W.2d 565 (Mo. 1996); <i>State v. Heyer</i>, 962 S.W.2d 401 (Mo. Ct. App. 1998). <i>State v. Canton</i>, 775 S.W.2d 352 (Mo. Ct. App. 1989), requires written procedures for checkpoints. Checkpoint avoidance justifies investigatory stop. <i>Oughton v. Director of Revenue</i>, 916 S.W.2d 462 (Mo. Ct. App. 1996). Police may use a deceptive "drug checkpoint" to generate suspicious conduct that would amount to "individualized suspicion" thereby allowing for a <i>Terry</i>-type stop by removing it from the purview of the <i>Edmond</i> decision. <i>State v. Mack</i>, 66 S.W.3d 706 (Mo. 2002).</p>
Montana	<p><b>Permitted under Montana law.</b> Checkpoints have been conducted under the authority of a statute permitting safety spot checks. MONT. CODE ANN. 46-5-501 et seq. This section does not specifically refer to sobriety checkpoints.</p>
Nebraska	<p><b>Permitted under Nebraska law.</b> <i>State v. McCleery</i>, 560 N.W.2d 789 (Neb. 1997), Checkpoint avoidance does not justify an investigatory stop. In <i>State v. Piper</i>, 855 N.W.2d 1 (Neb. 2014), the court held that requiring that the checkpoint plan be formulated at the policymaking level meant that there must be an act that would make the plan binding, such as approval or endorsement by an individual at the policymaking level, not necessarily drafting the checkpoint plan at the policymaking level.</p>
Nevada	<p><b>Permitted under Nevada law.</b> NEV. REV. STAT. 484.359 and 484.3591.</p>
New Hampshire	<p><b>Judicially approved checkpoints permitted under New Hampshire law.</b> N.H. REV. STAT. ANN. 265:1-a. <i>Opinion of the Justices</i>, 509 A.2d 744 N.H. 1986). <i>State v. Koppel</i>, 499 A.2d 977 (N.H. 1985), held checkpoints not permitted under the New Hampshire Constitution unless authorized by a judge. To justify suspicionless stops, the state must show that its objective cannot be met using less intrusive means. The court found no evidence that checkpoints are greater deterrents than publicized roving patrols. But see <i>State v. Hunt</i>, 924 A.2d 424 (N.H. 2007) in which the court notes that <i>Koppel</i> did not hold every sobriety checkpoint to be a <i>per se</i> violation of the New Hampshire Constitution and references <i>Opinion of the Justices</i>, in which the court determined that it was possible to establish a program of sobriety checkpoints that complied with the New Hampshire Constitution. The court also holds that the timing and amount of advance notice <i>in this case</i> did not violate the New Hampshire Constitution.</p>
New Jersey	<p><b>Permitted under the New Jersey and U.S. Constitutions.</b> <i>State v. Mazurek</i>, 567 A.2d 277 (N.J. Super. Ct. App. Div. 1989); <i>State v. DeCamera</i>, 568 A.2d 86 (N.J. Super. Ct. App. Div. 1989); <i>State v. Moskal</i>, 586 A.2d 845 (N.J. Super. Ct. App. Div. 1991); <i>State v. Kirk</i>, 493 A.2d 1271 (N.J. Super. Ct. App. Div. 1985). <i>State v. Barcia</i>, 549 A.2d 491 (N.J. Super. L. Div. 1988), held a checkpoint can violate the Commerce Clause of the U.S. Constitution if it impedes interstate commerce. A DUI arrest may result from a vehicle inspection check under <i>State v. Kadelak</i>, 655 A.2d 461 (N.J. Super. Ct. App. Div. 1995). In <i>State v. Badessa</i>, 860 A.2d 962 (N.J. Super. A.D. 2004), the court held that when a DWI checkpoint zone encompasses intersecting roads, proper on-the-scene warnings must include signs indicating no turns; absent adequate warnings, the stop of a driver who makes a lawful turn onto an intersecting road within a DWI checkpoint zone is invalid, unless there is an independent probable cause for the stop (note that decision was overturned by the New Jersey Supreme Court on other grounds, <i>State v. Badessa</i>, 885 A.2d 430 (N.J. 2005)).</p>

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New Mexico	<b>Permitted under the New Mexico and U.S. Constitutions.</b> <i>City of Las Cruces v. Betancourt</i> , 735 P.2d 1161 (N.M. Ct. App. 1987); <i>State v. Bates</i> , 902 P.2d 1060 (N.M. Ct. App. 1995); <i>State v. Madalena</i> , 908 P.2d 756 (N.M. Ct. App. 1995). A legal turn away from a sobriety checkpoint, in conjunction with other circumstances, may constitute reasonable, articulable suspicion which could justify an investigatory stop, <i>State v. Anaya</i> , 217 P.3d 586 (N.M. 2009).
New York	<b>Permitted under the U.S. Constitution.</b> <i>People v. Scott</i> , 473 N.E.2d 1 (N.Y. 1984). Turning into a parking lot to evade a checkpoint is cause for an investigatory stop. <i>People v. Chaffee</i> , 183 A.D.2d 208 (N.Y. App. Div. 1992); but turning off a highway before reaching a checkpoint on to another road is not cause for a stop. <i>People v. Rocket</i> , 594 N.Y.S.2d 568 (Just. Ct. 1992). New York does not require written guidelines for a checkpoint. <i>People v. Collura</i> , 610 N.Y.S.2d (N.Y. City Crim. Ct. 1994).
North Carolina	<b>Permitted under North Carolina law.</b> N.C. Gen. Stat. 20-16.3A. <i>State v. Barnes</i> , 472 S.E.2d 784 (N.C. Ct. App. 1996). <i>State v. Johnson</i> , 446 S.E.2d 135 (N.C. Ct. App. 1994), held entering a parking lot to avoid a checkpoint justified a stop. In <i>State v. Foremen</i> , 527 S.E.2d 921 (N.C. 2000), the court held that is it reasonable and permissible for an officer to monitor a checkpoint's entrance for vehicles whose drivers may be attempting to avoid the checkpoint, and an officer, in conjunction with the totality of the circumstances or the checkpoint plan, may pursue and stop a vehicle which has turned away from a checkpoint within its perimeters for reasonable inquiry to determine why the vehicle turned away. In reviewing a DUI arrest after the driver fled a driver's license checkpoint, the court concluded in <i>State v. Mitchell</i> , 592 S.E.2d 543 (N.C. 2004) that neither the U.S. nor North Carolina Constitutions required written guidelines before conducting the checkpoint.
North Dakota	<b>Permitted under the North Dakota and U.S. Constitutions.</b> <i>City of Bismark v. Ulden</i> , 513 N.W.2d 373 (N.D. 1994). See also <i>State v. Wetzel</i> , 456 N.W.2d 115 (N.D. 1990) which upholds safety inspection checkpoints and <i>State v. Everson</i> , 474 N.W.2d 695 (N.D. 1991) that upholds checkpoints to investigate drug trafficking. Checkpoints need not, as a matter of law, provide drivers with a way to avoid them. <i>State v. Hahne</i> , 736 N.W.2d 483 (N.D. 2007). See also <i>Martin v. Dep't of Transportation</i> , 773 N.W.2d 190 (N.D. 2009).
Ohio	<b>Permitted under the Ohio and U.S. Constitutions.</b> <i>State v. Bauer</i> , 651 N.E. 2d 46 (Ohio Ct. App. 1994) See also <i>State v. Goines</i> , 474 N.E.2d 1219 (Ohio Ct. App. 1984).
Oklahoma	<b>Permitted under the Oklahoma and U.S. Constitutions.</b> <i>Geopfert v. State Ex Re. DPS</i> , 884 P.2d 1218 (Okla. Civ. App. 1994).
Oregon	<b>Not permitted under the Oregon Constitution.</b> <i>State v. Boyanovsky</i> 743 P.2d 711 (Or. 1987); <i>Nelson v. Lane Co.</i> , 743 P.2d 692 (Or. 1987), required legislative approval of checkpoints.

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Pennsylvania	<p><b>Permitted under the Pennsylvania and U.S. Constitutions.</b> <i>Commonwealth v. Yastrop</i>, 768 A.2d 318 (Pa. 2001); <i>Commonwealth v. Blouse</i>, 611 A.2d 1177 (Pa. 1992); <i>Commonwealth v. Tarbert</i>, 535 A.2d 1035 (Pa. 1987); <i>Commonwealth v. Fioretti</i>, 538 A.2d 570 (Pa. Super. Ct. 1988); <i>Commonwealth v. Myrtetus</i>, 580 A.2d 42 (Pa. Super. Ct. 1990). Under <i>Commonwealth v. Pacek</i>, 691 A.2d 466 (Pa. Super. Ct. 1997), a checkpoint does not have to provide a legal means of avoidance. Checkpoint must be located in area where DUI is prevalent. <i>Commonwealth v. Blee</i>, 695 A.2d 802 (Pa. Super. Ct. 1997). Legal U-turn in advance of checkpoint does not justify a stop. <i>Commonwealth v. Scavello</i>, 703 A.2d 36 (PA. Super. Ct. 1997). A checkpoint conducted at a toll booth was held illegal because it was not conducted in accordance with state Supreme Court guidelines. <i>Commonwealth v. Yashinski</i>, 723 A.2d 1041 (Pa. Super. Ct. 1998). Where sobriety checkpoints have no or minimal effect in advancing the public interest (removing impaired drivers from the road), such seizures may not be constitutionally reasonable, but the comparison to roving patrols was insufficient to demonstrate that sobriety checkpoints are largely ineffectual, and therefore unconstitutional. <i>Commonwealth v. Beaman</i>, 880 A.2d 578 (PA. 2005). Temporary suspension of sobriety checkpoint to relieve traffic congestion, conducted pursuant to the on-site officer's discretion, complied with the U.S. and Pennsylvania Constitutions. <i>Commonwealth v. Worthy</i>, 957 A.2d 720 (Pa. 2008). Sheriffs are not considered "police officers" imbued with the authority to conduct independent suspicionless roadside checkpoints. <i>Commonwealth v. Marconi</i>, 64 A.3d 1036 (Pa. 2013).</p>
Rhode Island	<p><b>Not permitted under the Rhode Island Constitution.</b> <i>Primental v. Rhode Island</i>, 561 A.2d 1348 (R.I. 1989).</p>
South Carolina	<p><b>No state authority.</b> Checkpoints are conducted.</p>
South Dakota	<p><b>Permitted under the South Dakota and U.S. Constitutions.</b> In <i>State v. Claussen</i>, 522 N.W.2d 196 (S.D. 1994), checkpoint was upheld to find underage drinkers where roadblock was conducted close to a party. Avoidance of checkpoint justifies a stop. <i>State v. Thill</i>, 474 N.W.2d 86 (S.D. 1991). Avoidance of checkpoint alone is insufficient to form a basis for reasonable suspicion, but other facts, such as time of day and wide turns, observed before the stop is effectuated can satisfy reasonable suspicion. <i>State v. Rademaker</i>, 813 N.W.2d 174 (S.D. 2012).</p>
Tennessee	<p><b>Permitted under the Tennessee and U.S. Constitutions.</b> <i>State v. Downey</i>, 945 S.W.2d 102 (Tenn. 1997) held that properly conducted sobriety checkpoints do not violate the Tennessee Constitution, but that the checkpoint at issue was not properly conducted because officer discretion was not limited. See also <i>State v. Manuel</i>, 1988 Tenn. Crim. App. LEXIS725, 1988 WL 123988 (1988). Checkpoint avoidance may justify investigatory stop but a legal U-turn does not necessarily justify a stop. <i>State v. Binion</i>, 900 S.W. 2d 702 (Tenn. Crim. App. 1994). Combining DWI and drug interdiction checkpoints may be illegal under both the Tennessee and U.S. Constitutions. <i>United States v. Huguenin</i>, 154 F.3d 547 (6th Cir. 1998) and <i>State v. Walker</i>, 1998 Tenn. Crim. App. LEXIS 945, 1998 WL 608220 (1998).</p>
Texas	<p><b>Not permitted under Texas' interpretation of the U.S. Constitution.</b> <i>State v. Holt</i>, 887 S.W.2d 16 (Tex. Crim. App. 1994) held that because the checkpoint the Supreme Court of the United States upheld in <i>Sitz</i> was legislatively authorized, the Texas court held that absent such authorization a checkpoint is illegal under the U.S. Constitution. There is no specific language in <i>Sitz</i> requiring such an interpretation.</p>

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Utah	<b>Permitted by Utah law.</b> UTAH CODE ANN. 77-23-101 et seq. This statute requires approval of a magistrate. See <i>State v. Sims</i> , 808 P.2d 141 (Utah Ct. App. 1991). Avoidance of a checkpoint does not justify a stop. <i>State v. Talbot</i> , 792 P.2d. 489 (Utah Ct. App. 1990). For a case holding that a checkpoint can provide too much discretion to police, see <i>State v. DeBooy</i> , 996 P.2d 546 (Utah 2000).
Vermont	<b>Permitted under the Vermont and U.S. Constitutions.</b> <i>State v. Martin</i> , 496 A.2d 442 (Vt. 1985) and <i>State v. Record</i> , 548 A.2d 422 (Vt. 1988).
Virginia	<b>Permitted under the Virginia and U.S. Constitutions.</b> <i>Lowe v. Commonwealth</i> , 337 S.E.2d 273 (Va. 1985), <i>cert. denied</i> , 475 U.S. 1084 (1986). See also <i>Crandol v. City of Newport News</i> , 386 S.E.2d 113 (Va. 1989); <i>Simmons v. Commonwealth</i> , 380 S.E.2d 656 (Va. 1989); and <i>Hall v. Commonwealth</i> , 406 S.E.2d 674 (Va. Ct. App. 1991). Deviation in checkpoint location, as stated in plan, will not invalidate the checkpoint. <i>Sheppard v. Commonwealth</i> , 489 S.E.2d 714 (Va. Ct. App. 1997). Legal driving maneuvers that reverse a driver's course toward a checkpoint do not justify a stop. <i>Murphy v. Commonwealth</i> , 384 S.E. 2d 125 (Va. Ct. App. 1989) and <i>Bass v. Commonwealth</i> , 525 S.E.2d 921 (Va. 2000). Certain avoidance maneuvers do justify a stop. <i>Stroud v. Commonwealth</i> , 370 S.E. 2d 721 (Va. Ct. App. 1988); <i>Commonwealth v. Eaves</i> , 408 S.E. 2d 925 (Va. Ct. App. 1991); <i>Brown v. Commonwealth</i> , 440 S.E. 2d 619 (Va. Ct. App. 1994).
Washington	<b>Not permitted under the Washington Constitution.</b> <i>City of Seattle v. Mesiani</i> , 755 P.2d 775 (Wa. 1988), required legislative authority for checkpoints.
West Virginia	<b>Permitted under the West Virginia and U.S. Constitutions.</b> <i>Carte v. Cline</i> , 460 S.E.2d 48 (W.Va. 1995). A preconceived plan using nondiscriminatory procedures must be used. <i>State v. Frisby</i> , 245 S.E.2d 622 (W.Va. 1978), <i>cert. denied</i> , 439 U.S. 1127 (1979)). See also <i>State v. Davis</i> , 464 S.E.2d 598 (W.Va. 1995), holding that a safety road check is less intrusive than a sobriety checkpoint, a decision overturned by <i>State v. Sigler</i> , 687 S.E.2d 391 (W.Va. 2009). The checkpoint in <i>Reed v. Pettit</i> , 235 W. Va. 447 (2015) deviated from operational guidelines, but the court held that the deviations did not amount to <i>per se</i> violations of the West Virginia and U.S. Constitutions and applied the <i>Sigler</i> balancing test to determine that checkpoint was legally valid.
Wisconsin	<b>Not permitted under Wisconsin law.</b> WIS. STAT. ANN. 349.02(2)(a).
Wyoming	<b>Not permitted under interpretation of Wyoming's roadblock law.</b> WYO. STAT. ANN. 7-17-101 et seq.

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