

### Part 3 Warrantless Searches

#### **77-23-301 Warrantless searches regarding persons on parole.**

- (1) An inmate who is eligible for release on parole shall, as a condition of parole, sign an agreement as described in Subsection (2) that the inmate, while on parole, is subject to search or seizure of the inmate's person, property, place of temporary or permanent residence, vehicle, or personal effects while on parole:
  - (a) by a parole officer at any time, with or without a search warrant, and with or without cause; and
  - (b) by a law enforcement officer at any time, with or without a search warrant, and with or without cause, but subject to Subsection (3).
- (2)
  - (a) The terms of the agreement under Subsection (1) shall be stated in clear and unambiguous language.
  - (b) The agreement shall be signed by the parolee, indicating the parolee's understanding of the terms of searches as allowed by Subsection (1).
- (3)
  - (a) In order for a law enforcement officer to conduct a search of a parolee's residence under Subsection (1) or a seizure pursuant to the search, the law enforcement officer shall have obtained prior approval from a parole officer or shall have a warrant for the search.
  - (b) If a law enforcement officer conducts a search of a parolee's person, personal effects, or vehicle pursuant to a stop, the law enforcement officer shall notify a parole officer as soon as reasonably possible after conducting the search.
- (4) A search conducted under this section may not be for the purpose of harassment.
- (5) Any inmate who does not agree in writing to be subject to search or seizure under Subsection (1) may not be paroled until the inmate enters into the agreement under Subsection (1).
- (6) This section applies only to an inmate who is eligible for release on parole on or after May 5, 2008.

Enacted by Chapter 357, 2008 General Session