

1 **AMENDMENT REGARDING SEARCH WARRANT**

2 **PROCEDURE**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jon J. Greiner**

6 House Sponsor: Paul Ray

7

LONG TITLE

8 **General Description:**

9 This bill modifies Title 77, Chapter 23, Search and Administrative Warrants, to
10 implement the process of warrantless search and seizure of evidence of a parole
11 violation or a criminal law violation by parole officers or by law enforcement officers.
12

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ requires that an inmate eligible for parole must sign an agreement that he is subject
16 to search or seizure for parole violations at any time and with or without a search
17 warrant in order to be placed on parole; and
- 18 ▶ specifies when a law enforcement officer may conduct, with or without a warrant, a
19 search or seizure regarding a parolee, including requirements that the law
20 enforcement officer obtain prior approval from a parole officer or provide
21 notification.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 ENACTS:



28 77-23-301, Utah Code Annotated 1953

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section 77-23-301 is enacted to read:

32 **77-23-301. Warrantless searches regarding persons on parole.**

33 (1) Any inmate, in order to be released on parole, shall agree in writing to be subject to
34 search or seizure of his person, property, place of residence, vehicle, or personal effects:

35 (a) by a parole officer at any time, with or without a search warrant, and with or
36 without cause; or

37 (b) by a law enforcement officer at any time, with or without a search warrant, and with
38 or without cause, but subject to Subsection (2).

39 (2) (a) In order for a law enforcement officer to conduct a search of a parolee's
40 residence under Subsection (1) or a seizure pursuant to the search, the law enforcement officer
41 shall have obtained prior approval from a parole officer or shall have a warrant for the search.

42 (b) If a law enforcement officer conducts a search of a parolee's person, personal
43 effects, or vehicle pursuant to a stop, the law enforcement officer shall notify a parole officer as
44 soon as reasonably possible after conducting the search.

45 (3) Any inmate who does not agree in writing to be subject to search or seizure under
46 Subsection (1) may not be released from incarceration until:

47 (a) the inmate enters into the agreement under Subsection (1); or

48 (b) the inmate's term of incarceration is completed.

49 (4) This section applies only to an inmate who is eligible for release on parole for an
50 offense committed on or after April 30, 2007.

Legislative Review Note
as of 1-5-07 1:48 PM

Office of Legislative Research and General Counsel

S.B. 123 - Amendment Regarding Search Warrant Procedure

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/19/2007, 9:15:42 AM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst