

1 **SEARCH WARRANT PROCEDURE AMENDMENTS**

2 2008 GENERAL SESSION

3 STATE OF UTAH

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

5 House Sponsor: Curtis Oda

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 parolees by parole officers or
11 by law enforcement officers regarding evidence of a parole violation or a criminal law
12 violation.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ requires that an inmate eligible for parole must sign an agreement that the inmate is
16 subject as a parolee to search or seizure for parole violations at any time and with or
17 without a search warrant, in order to be placed on parole;
- 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 prompt
21 notification to the parole officer; and
- 22 ▶ prohibits searches for the purpose of harassment.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **77-23-301**, Utah Code Annotated 1953

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

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

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.

