

1 **SEARCH WARRANT PROCEDURE AMENDMENTS**

2 2008 GENERAL SESSION

3 STATE OF UTAH

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

5 House Sponsor: Curtis Oda

6

7 **LONG TITLE**

8 **Committee Note:**

9 The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

10 **General Description:**

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

15 **Highlighted Provisions:**

16 This bill:

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

25 **Monies Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **77-23-301**, Utah Code Annotated 1953



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

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

35 **77-23-301. Warrantless searches regarding persons on parole.**

36 (1) An inmate who is eligible for release on parole shall ~~§~~→ as a condition of parole, ←~~§~~
36a sign an agreement as described

37 in Subsection (2) that the inmate, while on parole, is subject to search or seizure of the inmate's
38 person, property, place of temporary or permanent residence, vehicle, or personal effects while
39 on parole:

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

42 (b) by a law enforcement officer at any time, with or without a search warrant, and with
43 or without cause, but subject to Subsection (3).

44 (2) (a) The terms of the agreement under Subsection (1) shall be stated in clear and
45 unambiguous language.

46 (b) The agreement shall be signed by the parolee, indicating the parolee's
47 understanding of the terms of searches as allowed by Subsection (1).

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

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

54 (4) A search conducted under this section may not be for the purpose of harassment.

55 (5) Any inmate who does not agree in writing to be subject to search or seizure under
56 Subsection (1) may not be paroled until the inmate enters into the agreement under Subsection
57 (1).

58 (6) This section applies only to an inmate who is eligible for release on parole ~~§~~→ [for an] ←~~§~~

59 ~~§~~→ [offense committed] ←~~§~~ on or after May 5, 2008.

Legislative Review Note
as of 7-31-07 2:54 PM

Office of Legislative Research and General Counsel

S.B. 10 - Search Warrant Procedure Amendments

Fiscal Note

2008 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.
