

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1239

5 By: Representative Petty  
6 By: Senator J. Cooper  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING A WARRANTLESS SEARCH BY A LAW  
10 ENFORCEMENT OFFICER IN A GARAGE OR OUTBUILDING ON THE  
11 PROPERTY OF A PROBATIONER'S OR PAROLEE'S RESIDENCE;  
12 AND FOR OTHER PURPOSES.  
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## Subtitle

15 CONCERNING A WARRANTLESS SEARCH BY A LAW  
16 ENFORCEMENT OFFICER IN A GARAGE OR  
17 OUTBUILDING ON THE PROPERTY OF A  
18 PROBATIONER'S OR PAROLEE'S RESIDENCE.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 16-93-106 is amended to read as follows:  
25 16-93-106. Warrantless search by any law enforcement officer of a  
26 probationer or parolee.

27 (a)(1) A person who is placed on supervised probation or is released  
28 on parole under this chapter is required to agree to a waiver as a condition  
29 of his or her supervised probation or parole that allows any certified law  
30 enforcement officer or Department of Community Correction officer to conduct  
31 a warrantless search of his or her person, place of residence, or motor  
32 vehicle at any time, day or night, whenever requested by the certified law  
33 enforcement officer or ~~Department of Community Correction~~ department officer.

34 (2) A warrantless search that is based on a waiver required by  
35 this section shall be conducted in a reasonable manner but does not need to  
36 be based on an articulable suspicion that the person is committing or has



1 committed a criminal offense.

2 (b)(1) A person who will be placed on supervised probation or parole  
3 and is required to agree to the waiver required by this section shall  
4 acknowledge and sign the waiver.

5 (2) If the person fails to acknowledge and sign the waiver  
6 required by this section, he or she is ineligible to be placed on supervised  
7 probation or parole.

8 (c) As used in this section, "residence" includes a garage or  
9 outbuilding on the property of a residence.

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**APPROVED: 2/13/19**