State of Arkansas  
92nd General Assembly  
Regular Session, 2019  

By: Representative Petty  
By: Senator J. Cooper  

For An Act To Be Entitled  
AN ACT CONCERNING A WARRANTLESS SEARCH BY A LAW  
ENFORCEMENT OFFICER IN A GARAGE OR OUTBUILDING ON THE  
PROPERTY OF A PROBATIONER’S OR PAROLEE’S RESIDENCE;  
AND FOR OTHER PURPOSES.

Subtitle  
CONCERNING A WARRANTLESS SEARCH BY A LAW  
ENFORCEMENT OFFICER IN A GARAGE OR  
OUTBUILDING ON THE PROPERTY OF A  
PROBATIONER’S OR PAROLEE’S RESIDENCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 16-93-106 is amended to read as follows:  
16-93-106. Warrantless search by any law enforcement officer of a  
probationer or parolee.  
(a)(1) A person who is placed on supervised probation or is released  
on parole under this chapter is required to agree to a waiver as a condition  
of his or her supervised probation or parole that allows any certified law  
enforcement officer or Department of Community Correction officer to conduct  
a warrantless search of his or her person, place of residence, or motor  
vehicle at any time, day or night, whenever requested by the certified law  
enforcement officer or Department of Community Correction department officer.  
(2) A warrantless search that is based on a waiver required by  
this section shall be conducted in a reasonable manner but does not need to  
be based on an articulable suspicion that the person is committing or has
committed a criminal offense.

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

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

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

APPROVED: 2/13/19