

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1239

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**