

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1979

By: Representative Gazaway

By: Senator B. Johnson

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW TO ALLOW WARRANTLESS SEARCHES BY A LAW ENFORCEMENT OFFICER OF A PERSON PLACED ON SUSPENDED IMPOSITION OF SENTENCE; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO AMEND ARKANSAS LAW TO ALLOW WARRANTLESS SEARCHES BY A LAW ENFORCEMENT OFFICER OF A PERSON PLACED ON SUSPENDED IMPOSITION OF SENTENCE; AND FOR OTHER PURPOSES.

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 probationer, parolee, person placed on suspended imposition of sentence, or person on post-release supervision.

(a)(1) A person who is placed on supervised probation or suspended imposition of sentence or is released on parole or post-release supervision under this chapter is required to agree to a waiver as a condition of his or her supervised probation, suspended imposition of sentence, parole, or post-release supervision that allows any certified law enforcement officer or Division of Community Correction officer to conduct a warrantless search of his or her person, place of residence, motor vehicle, or other real or personal property, including without limitation a cellular or electronic device under his or her control or possession, at any time, day or night,



whenever requested by the certified law enforcement officer or division 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, suspended imposition of sentence, parole, or post-release supervision 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, suspended imposition of sentence, parole, or post-release supervision.

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

APPROVED: 4/22/25