

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

S

D

SENATE DRS35046-LH-91A (02/05)

Short Title: Warrantless Searches/Probationers & Parolees.

(Public)

Sponsors: Senator Berger of Rockingham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND POWERS OF LAW ENFORCEMENT OFFICERS, PROBATION
3 OFFICERS, POST-RELEASE SUPERVISION OFFICERS, AND PAROLE OFFICERS
4 RELATING TO WARRANTLESS SEARCHES OF PROBATIONERS, POST-RELEASE
5 SUPERVISEES, AND PAROLEES, AND OF THEIR VEHICLES AND PREMISES
6 WHILE PRESENT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 15A-1343(b) is amended by adding a new subdivision to read:

9 "(13) Submit at reasonable times to warrantless searches, including testing for the
10 presence of illegal drugs, by a probation officer, post-release supervision
11 officer, or law enforcement officer of his or her person and of his or her
12 vehicle and premises while the probationer is present. Whenever the
13 warrantless search consists of testing for the presence of illegal drugs, the
14 probationer may also be required to reimburse the Department of Correction
15 for the actual cost of drug screening and drug testing, if the results are
16 positive."

17 **SECTION 2.** G.S. 15A-1343(b1)(7) is repealed.

18 **SECTION 3.** G.S. 15A-1368.4(b1)(8) reads as rewritten:

19 "(8) Submit at reasonable times to warrantless searches by a post-release
20 supervision officer or law enforcement officer of the supervisee's person and
21 of the supervisee's vehicle and premises while the supervisee is present, for
22 purposes reasonably related to the post-release supervision, but the
23 supervisee may not be required to submit to any other search that would
24 otherwise be unlawful. For purposes of this subdivision, warrantless
25 searches of the supervisee's computer or other electronic mechanism which
26 may contain electronic data shall be considered reasonably related to the
27 post-release supervision present. Whenever the warrantless search consists
28 of testing for the presence of illegal drugs, the supervisee may also be
29 required to reimburse the Department of Correction for the actual cost of
30 drug screening and drug testing, if the results are positive."

31 **SECTION 4.** G.S. 15A-1368.4(e)(10) reads as rewritten:

32 "(10) Submit at reasonable times to warrantless searches of the supervisee's person
33 and of the supervisee's vehicle and premises while the supervisee is present
34 by a post-release supervision officer for purposes reasonably related to the
35 post-release supervision. The Commission shall not require as a condition of



* D R S 3 5 0 4 6 - L H - 9 1 A *

1 post-release supervision that the supervisee submit to any other searches that
2 ~~would otherwise be unlawful, or law enforcement officer.~~ Whenever the
3 search consists of testing for the presence of illegal drugs, the supervisee
4 may also be required to reimburse the Department of Correction for the
5 actual cost of drug testing and drug screening, if the results are positive."

6 **SECTION 5.** G.S. 15A-1374(b)(11) reads as rewritten:

7 "(11) Submit at reasonable times to warrantless searches by a parole officer or law
8 enforcement officer of the parolee's person and of the parolee's vehicle and
9 premises while the parolee is present, for purposes reasonably related to the
10 parole supervision. ~~The Commission may not require as a condition of~~
11 ~~parole that the parolee submit to any other searches that would otherwise be~~
12 ~~unlawful. If the parolee has been convicted of an offense which is a~~
13 ~~reportable conviction as defined in G.S. 14-208.6(4), or which involves the~~
14 ~~physical, mental, or sexual abuse of a minor, warrantless searches of the~~
15 ~~parolee's computer or other electronic mechanism which may contain~~
16 ~~electronic data shall be considered reasonably related to the parole~~
17 ~~supervision.~~ present. Whenever the search consists of testing for the
18 presence of illegal drugs, the parolee may also be required to reimburse the
19 Department of Correction for the actual cost of drug testing and drug
20 screening, if the results are positive."

21 **SECTION 6.** This act is effective when it becomes law.