

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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BILL DRAFT 2009-LH-91A [v.3] (02/05)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
2/10/2009 11:49:35 AM

Short Title: Warrantless Searches/Probationers & Parolees. (Public)

Sponsors: Senator Berger of Rockingham.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO EXPAND POWERS OF LAW ENFORCEMENT OFFICERS, PROBATION OFFICERS, POST-RELEASE SUPERVISION OFFICERS, AND PAROLE OFFICERS RELATING TO WARRANTLESS SEARCHES OF PROBATIONERS, POST-RELEASE SUPERVISEES, AND PAROLEES, AND OF THEIR VEHICLES AND PREMISES WHILE PRESENT.

The General Assembly of North Carolina enacts:

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

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

**SECTION 2.** G.S. 15A-1343(b1)(7) is repealed.

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

"(8) Submit at reasonable times to warrantless searches by a post-release supervision officer or law enforcement officer of the supervisee's person and of the supervisee's vehicle and premises while the supervisee is present. Whenever the warrantless search consists of testing for the presence of illegal drugs, the supervisee may also be required to reimburse the Department of Correction for the actual cost of drug screening and drug testing, if the results are positive.

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

"(10) Submit at reasonable times to warrantless searches of the supervisee's person and of the supervisee's vehicle and premises while the supervisee is present by a post-release supervision officer, or law enforcement officer. Whenever the search consists of testing for the presence of illegal drugs, the supervisee may also be required to reimburse the Department of Correction for the actual cost of drug testing and drug screening, if the results are positive."

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

"(11) Submit at reasonable times to warrantless searches by a parole officer or law enforcement officer of the parolee's person and of the parolee's vehicle and

**Deleted:** present, for purposes reasonably related to the post-release supervision, but the supervisee may not be required to submit to any other search that would otherwise be unlawful. For purposes of this subdivision, warrantless searches of the supervisee's computer or other electronic mechanism which may contain electronic data shall be considered reasonably related to the post-release supervision.

**Deleted:** for purposes reasonably related to the post-release supervision. The Commission shall not require as a condition of post-release supervision that the supervisee submit to any other searches that would otherwise be unlawful.

1 | premises while the parolee is present. Whenever the search consists of  
2 | testing for the presence of illegal drugs, the parolee may also be required to  
3 | reimburse the Department of Correction for the actual cost of drug testing  
4 | and drug screening, if the results are positive."

5 | **SECTION 5.** This act is effective when it becomes law.

**Deleted:** present, for purposes reasonably related to the parole supervision. The Commission may not require as a condition of parole that the parolee submit to any other searches that would otherwise be unlawful. If the parolee has been convicted of an offense which is a reportable conviction as defined in G.S. 14-208.6(4), or which involves the physical, mental, or sexual abuse of a minor, warrantless searches of the parolee's computer or other electronic mechanism which may contain electronic data shall be considered reasonably related to the parole supervision.