

February 10, 2009

S 123. WARRANTLESS SEARCHES/PROBATIONERS & PAROLEES. Filed 2/10/09. *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.*

Repeals GS 15A-1343(b1)(7) permitting the court to require as a *special condition* of probation that an individual submit at reasonable times to a warrantless search of the person or the person's vehicle or premises.

Amends GS 15A-1343(b) to make it a *regular condition* of probation that the probationer submit at reasonable times to warrantless searches of the probationer's person or vehicle, including the testing for the presence of illegal drugs, by a (1) probation officer, (2) post-release supervision officer, or (3) law enforcement officer. Provides that if the result of the test for illegal drugs is positive, the probationer may be required to reimburse the Department of Correction (Department) for the actual cost of the drug screening and testing (the same provision regarding reimbursement was in repealed GS 15A-1343(b1)(7)).

Makes conforming changes to GS 15A-1368.4 (conditions of post-release supervision) and GS 15A-1374 (conditions of parole). Deletes language (1) requiring that the purposes for a warrantless search under GS 15A-1368.4 or GS 15A-1374 be reasonably related to the post-release supervision or parole supervision, and (2) stating that a supervisee or parolee may not be required to submit to any other search that would otherwise be unlawful. Also deletes language declaring warrantless searches of computer's or other electronic mechanism to be considered reasonably related to post release or parole supervision.

Intro. by Berger of Rockingham.

GS 15A