

HB1201\_L.002

## HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee\_\_\_\_\_  
DateCommittee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB10-1201 be amended as follows:

1 Amend printed bill, page 2, line 6, strike "**vehicle, a person, or a**  
2 **person's home**" and substitute "**vehicle or a person**".

3 Page 2, strike lines 7 through 27 and substitute:

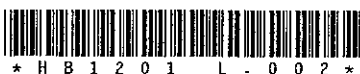
4 "(1)(a) PRIOR TO CONDUCTING A CONSENSUAL SEARCH OF A PERSON, THE  
5 PERSON'S EFFECTS, OR A VEHICLE, A PEACE OFFICER SHALL COMPLY WITH  
6 PARAGRAPH (b) OF THIS SUBSECTION (1).

7 (b) A PEACE OFFICER SHALL ADVISE THE PERSON WHO WOULD BE  
8 SUBJECT TO THE SEARCH, OR THE PERSON WITH THE AUTHORITY TO  
9 PROVIDE PERMISSION TO SEARCH THE VEHICLE, THAT THE PERSON IS NOT  
10 IN CUSTODY AND HAS THE RIGHT TO REFUSE A REQUEST TO A SEARCH,  
11 REQUEST THAT THE PERSON AFFIRM THEY UNDERSTAND THE ADVISEMENT,  
12 AND REQUEST THE PERSON'S CONSENT TO SEARCH THE PERSON, THE  
13 PERSON'S EFFECTS, OR THE VEHICLE.

14 (c) AFTER PROVIDING THE ADVISEMENT REQUIRED IN PARAGRAPH  
15 (b) OF THIS SUBSECTION (1), A PEACE OFFICER MAY CONDUCT THE  
16 REQUESTED SEARCH ONLY IF THE PERSON SUBJECT TO THE SEARCH  
17 VOLUNTARILY PROVIDES VERBAL OR WRITTEN CONSENT."

18 Page 3, after line 4, insert:

19 "(3) IF A DEFENDANT MOVES TO SUPPRESS ANY EVIDENCE  
20 OBTAINED IN VIOLATION OF THIS STATUTE, THE COURT SHALL PLACE



1 GREATER WEIGHT ON THE FACT THAT THE EVIDENCE WAS OBTAINED IN  
2 VIOLATION OF THIS STATUTE THAN ON ANY OF THE OTHER FACTORS THE  
3 COURT CONSIDERS IN THE MOTION TO SUPPRESS.

4 (4) THIS SECTION SHALL NOT APPLY TO SEARCHES FOR WHICH  
5 THERE IS A LEGAL BASIS, INCLUDING BUT NOT LIMITED TO A SEARCH IN A  
6 CORRECTIONAL FACILITY OR ON CORRECTIONAL FACILITY PROPERTY, A  
7 DETENTION FACILITY, COUNTY DETENTION FACILITY, CUSTODY FACILITY,  
8 JUVENILE CORRECTIONAL FACILITY OPERATED BY OR UNDER A CONTRACT  
9 WITH THE DEPARTMENT OF HUMAN SERVICES, COMMUNITY CORRECTIONS  
10 FACILITY, OR A JAIL OR OF A PERSON WHO IS IN THE LAWFUL CUSTODY OF  
11 A PEACE OFFICER OR ON PROBATION OR PAROLE."

12 Page 3, strike lines 5 and 6.

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