



FINAL
FISCAL NOTE

Drafting Number: LLS 10-0396**Date:** June 28, 2010**Prime Sponsor(s):** Rep. Middleton
Sen. Steadman**Bill Status:** Signed into Law**Fiscal Analyst:** Jessika Shipley (303-866-3528)

TITLE: CONCERNING DUTIES RELATED TO PEACE OFFICER CONTACTS.**Summary of Legislation**

This bill requires a law enforcement officer intending to perform a consensual search of a person who is not under arrest or the vehicle of that person to orally advise the individual of their right to refuse such a search. The oral advisement must include the following factors:

- the person is being asked to voluntarily consent to a search; and
- the person has the right to refuse the request to search.

The officer must have consent before proceeding. The consent requirement only applies to searches for which there is no other legal basis. If a defendant is searched without proper advisement and consent and moves to suppress the evidence obtained in that search, the court is required to consider the failure to comply with the statute in determining whether the consent was voluntary.

The bill was signed by the Governor and became law on April 29, 2010.

Assessment

The bill is assessed as having no state or local fiscal impact. It will change the way law enforcement officers conduct some searches, but will not substantially increase the time or effort involved in affecting a consensual search.

Departments Contacted

Judicial

Public Safety