

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0396.01 Michael Dohr

HOUSE BILL 10-1201

HOUSE SPONSORSHIP

Middleton, Carroll T., Ferrandino, McFadyen, Miklosi, Pace, Vigil, Weissmann

SENATE SPONSORSHIP

Steadman,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING DUTIES RELATED TO PEACE OFFICER CONTACTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Before conducting a consensual search of a car, a person in the car, a home, or a pedestrian, the bill requires a peace officer to read a statement related to consent to the search and obtain the person's written consent to the search. The consent applies only to searches for which there is otherwise no legal basis.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 3 of article 3 of title 16, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **16-3-310. Oral advisement and written consent prior to search**
6 **of a vehicle, a person, or a person's home during a police contact.**

7 (1) (a) IF A PEACE OFFICER DETERMINES IT IS NECESSARY TO SEARCH A
8 PERSON, A VEHICLE, OR A HOME AFTER STOPPING OR CONTACTING A
9 PERSON REGARDING AN ALLEGED VIOLATION OF LAW OR ORDINANCE, THE
10 OFFICER MAY CONDUCT THE SEARCH ONLY AFTER COMPLYING WITH
11 PARAGRAPH (b) OF THIS SUBSECTION (1).

12 (b) PRIOR TO CONDUCTING A SEARCH PURSUANT TO PARAGRAPH
13 (a) OF THIS SUBSECTION (1), A PEACE OFFICER SHALL READ THE
14 FOLLOWING STATEMENT EITHER TO THE PERSON WITH THE AUTHORITY TO
15 PROVIDE PERMISSION TO SEARCH THE VEHICLE OR THE HOME, OR TO THE
16 PERSON WHO WOULD BE SUBJECT TO THE SEARCH, WHICHEVER APPLIES:

17 I AM ASKING FOR YOUR CONSENT TO CONDUCT A SEARCH OF
18 THE VEHICLE, YOUR PERSON, OR YOUR HOME. YOU HAVE
19 THE RIGHT TO REFUSE TO CONSENT TO THE SEARCH OR YOU
20 MAY KNOWINGLY, FREELY, AND VOLUNTARILY CONSENT TO
21 THE SEARCH. DO YOU UNDERSTAND THESE RIGHTS AS THEY
22 HAVE BEEN READ TO YOU? DO YOU CHOOSE TO WAIVE
23 YOUR RIGHT TO REFUSE MY REQUESTED SEARCH?

24 AFTER READING THE STATEMENT REQUIRED IN THIS PARAGRAPH (b), A
25 PEACE OFFICER MAY CONDUCT THE REQUESTED SEARCH ONLY IF THE
26 PERSON SUBJECT TO THE SEARCH CONSENTS, KNOWINGLY, FREELY, AND
27 VOLUNTARILY, IN WRITING, TO THE SEARCH.

1 (2) A PEACE OFFICER READING THE STATEMENT REQUIRED
2 PURSUANT TO SUBSECTION (1) OF THIS SECTION NEED NOT READ THE
3 STATEMENT VERBATIM; SUBSTANTIAL COMPLIANCE WITH THE CONTENT OF
4 THE STATEMENT IS SUFFICIENT TO COMPLY WITH THE REQUIREMENT.

5 (3) THIS SECTION SHALL APPLY ONLY TO SEARCHES FOR WHICH
6 THERE IS OTHERWISE NO LEGAL BASIS.

7 **SECTION 2. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.