

By: Senator(s) McMahan

To: Corrections; Judiciary,
Division B

SENATE BILL NO. 2491

1 AN ACT TO CREATE A NEW SECTION WITHIN TITLE 47, CHAPTER 7,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE AN OFFENDER WHO IS PLACED ON
3 PROBATION OR RELEASED ON PAROLE TO AGREE TO A WAIVER AS A
4 CONDITION OF PAROLE THAT AUTHORIZES ANY LAW ENFORCEMENT OFFICER TO
5 CONDUCT A WARRANTLESS SEARCH OF THE OFFENDER'S PERSON, PLACE OF
6 RESIDENCE OR MOTOR VEHICLE FOR THE PURPOSES OF DETERMINING IF THE
7 OFFENDER IS IN VIOLATION OF ANY WEAPON- OR FIREARM-RELATED
8 OFFENSES; TO PROVIDE THAT THE WARRANTLESS SEARCH SHALL BE
9 CONDUCTED IN A REASONABLE MANNER BUT SHALL NOT NEED TO BE BASED ON
10 AN ARTICULABLE SUSPICION THAT THE OFFENDER IS COMMITTING OR HAS
11 COMMITTED A CRIMINAL OFFENSE; TO REQUIRE THE OFFENDER TO
12 ACKNOWLEDGE AND SIGN THE WAIVER BEFORE THE OFFENDER'S RELEASE; TO
13 PROVIDE THAT AN OFFENDER WHO FAILS TO SIGN THE WAIVER IS
14 INELIGIBLE FOR RELEASE ON PROBATION OR PAROLE; TO DEFINE THE TERM
15 "RESIDENCE"; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** The following shall be codified as a new section
18 within Title 47, Chapter 7, Mississippi Code of 1972:

19 (1) (a) An offender who is placed on supervised probation
20 or is released on parole is required to agree to a waiver as a
21 condition of his or her supervised probation or parole that allows
22 any law enforcement officer, Department of Corrections officer,
23 parole officer or probation officer to conduct a warrantless
24 search of the offender's person, place of residence, or motor



25 vehicle at any time, day or night, whenever requested by the
26 officer for the purposes of determining if the offender is in
27 violation of any provision within Title 97, Chapter 35,
28 Mississippi Code of 1972.

29 (b) A warrantless search based on the waiver required
30 by this section shall be conducted in a reasonable manner but does
31 not need to be based on an articulable suspicion that the offender
32 is committing or has committed a criminal offense.

33 (2) (a) An offender who will be placed on supervised
34 probation or parole is required to agree to the waiver required by
35 this section and shall acknowledge and sign the waiver before the
36 offender's release.

37 (b) If the offender fails to acknowledge and sign the
38 waiver required by this section, the offender is ineligible to be
39 placed on supervised probation or parole.

40 (3) As used in this section, "residence" includes a garage
41 or outbuilding on the property of a residence.

42 (4) This section shall be in addition to any other authority
43 of law authorizing lawful searches and shall not be construed to
44 limit the current legal authorization of any lawful searches.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2023.

