



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

House: JUD DPA/SE 4-3-0-1-0-0

HB 2296: probationers; prisoners; search; seizure authority
S/E: probationers; search; seizure authority
Sponsor: Representative Carter, LD 15
Caucus & COW

Overview

Adds conditions that must be met for a peace officer to conduct a warrantless search of a probationer pursuant to a felony probation condition requiring warrantless searches.

History

Current law authorizes a court to suspend a convicted person's sentence and place the person on a period of probation if the convicted person is eligible (A.R.S. §§ [13-901](#), [13-902](#)). A court must place the person on probation subject to whatever terms and conditions the court deems appropriate, in addition to any other terms and conditions required by statute.

During a person's term of probation, a court has discretion to issue a warrant for the probationer's rearrest and modify or add to the existing probation conditions. Similarly, any probation officer is authorized to rearrest a probationer and bring the person before the court at any time during the probation period, even without a warrant or other process. If a probationer commits an additional offense or violates a probation condition, a court may revoke probation prior to the expiration or termination of the probation period. Conversely, a court is authorized to terminate probation early in certain circumstances, subject to certain notice and hearing requirements ([A.R.S. § 13-901](#)).

Provisions

1. Requires that the following conditions must be met for a peace officer to conduct a warrantless search of a felony probationer pursuant to a condition of probation that requires warrantless searches:
 - a) The probationer is stopped by a peace officer for a civil traffic or criminal violation;
 - b) The peace officer either receives authorization from the probationer's assigned probation officer or unsuccessfully attempts to make contact with the probationer's assigned probation officer; and
 - c) The warrantless search is limited to the probationer's person and motor vehicle. (Sec. 1)
2. Makes technical changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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