

2016 Regular Session

SENATE BILL NO. 152

BY SENATOR CLAITOR

COMMERCIAL REGULATIONS. Repeals provision that any person entering an alcoholic beverage outlet is deemed to consent to a search which was declared unconstitutional. (8/1/16)

1 AN ACT
2 To repeal R.S. 14:95.4, relative to alcohol beverage outlets; to remove provisions providing
3 that persons entering alcoholic beverage outlets consent to a search upon entering;
4 and to provide for related matters.
5 Be it enacted by the Legislature of Louisiana:
6 Section 1. R.S. 14:95.4 is hereby repealed.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Heyward Jeffers.

DIGEST

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Present law provides that any person entering an alcoholic beverage outlet by the fact of such entering is deemed to have consented to a reasonable search of his person for any firearm by a law enforcement officer or other person vested with police power, without the necessity of a warrant. However, in the case of *Ringe v. Romero*, 624 F. Supp. 417, 418-19, 425 (W.D. La. 1985), the court held that the warrantless search authorized by present law was unconstitutional.

Proposed law repeals statute held unconstitutional.

Effective August 1, 2016.

(Repeals R.S. 14:95.4)