2022 Regular Session

HOUSE BILL NO. 629

BY REPRESENTATIVE BRYANT

CRIMINAL/PROCEDURE: Provides relative to a search without a warrant of a person's place of residence for the odor of marijuana

1   AN ACT

2   To enact Code of Criminal Procedure Article 162.4, relative to search warrants; to provide

3   relative to a search without a warrant; to prohibit the search without a warrant of a

4   person's residence based on the odor of marijuana; and to provide for related matters.

5   Be it enacted by the Legislature of Louisiana:

6   Section 1. Code of Criminal Procedure Article 162.4 is hereby enacted to read as

7   follows:

8   Art. 162.4. Search of a person's place of residence; odor of marijuana

9   Notwithstanding any provision of law to the contrary, the odor of marijuana

10   alone shall not provide a law enforcement officer with probable cause to conduct a

11   search without a warrant of a person's place of residence.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 629 Engrossed   2022 Regular Session   Bryant

Abstract: Prohibits the search without a warrant of a person's place of residence for the odor of marijuana.

Present law provides that a judge may issue a warrant authorizing the search for and seizure of anything within the territorial jurisdiction of the court which has been the subject of theft, is intended for use or has been used as a means of committing an offense, or which may constitute evidence tending to provide the commission of a crime.

Proposed law provides that the odor of marijuana alone shall not provide a law enforcement officer with probable cause to conduct a search of a person's place of residence.

(Adds C.Cr.P. Art. 162.4)