

2023 Regular Session

HOUSE BILL NO. 557

BY REPRESENTATIVE LYONS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to vehicle searches

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 215.1(D), relative to motor
3 vehicle searches; to provide relative to the refusal of a search request; to provide
4 relative to search warrants; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 215.1(D) is hereby amended and
7 reenacted to read as follows:

8 Art. 215.1. Temporary questioning of persons in public places; frisk and search for
9 weapons

10 * * *

11 D.(1) During detention of an alleged violator of any provision of the motor
12 vehicle laws of this state, an officer may not detain a motorist for a period of time
13 longer than reasonably necessary to complete the investigation of the violation and
14 issuance of a citation for the violation, absent reasonable suspicion of additional
15 criminal activity.

16 (2)(a) If the officer has reasonable suspicion of additional criminal activity,
17 he shall inform the motorist of his right to refuse the request to search or inspect his
18 motor vehicle or its contents before conducting any search of the motor vehicle or
19 its contents. If the motorist refuses, the officer shall not conduct a search or
20 inspection of the motor vehicle or its contents without a search warrant.

1 (b) An officer who obtains consent from a motorist to search his motor
2 vehicle or its contents pursuant to this Paragraph may conduct a search of the motor
3 vehicle only if the officer has a written, visual, or audio record from the motorist
4 confirming his informed and voluntary consent to the search of his motor vehicle or
5 its contents.

6 (3) However, nothing herein No provision of this Subsection shall prohibit
7 a peace officer from compelling or instructing the motorist to comply with
8 administrative or other legal requirements of Title 32 or Title 47 of the Louisiana
9 Revised Statutes of 1950.

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 557 Original

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Lyons

Abstract: Provides relative to a law enforcement officer's search of a person's motor vehicle.

Present law (C.Cr.P. Art. 215.1) provides that a law enforcement officer may stop a person in a public place when he reasonably suspects that the person is committing, has committed, or is about to commit an offense and may demand of the person his name, address, and an explanation of his actions. Further provides for circumstances that permit a law enforcement officer to frisk or search the person he has stopped.

Proposed law retains present law.

Present law (C.Cr.P. Art. 215.1(D)) provides that during detention of an alleged violator of any provision of the motor vehicle laws of this state, an officer may not detain a motorist for a period of time longer than reasonably necessary to complete the investigation of the violation and issuance of a citation for the violation, absent reasonable suspicion of additional criminal activity. Further provides that nothing shall prohibit a peace officer from compelling or instructing the motorist to comply with administrative or other legal requirements of present law (Title 32 or Title 47 of the La. Revised Statutes of 1950)

Proposed law retains present law but provides that if the officer has reasonable suspicion of additional criminal activity, he shall inform the motorist of his right to refuse the request to search or inspect his motor vehicle or its contents before conducting any search of the motor vehicle or its contents. Further provides that if the motorist refuses, the officer shall not conduct a search or inspection of the motor vehicle or its contents without a search warrant.

Proposed law provides that an officer who obtains consent from a motorist to search his motor vehicle or its contents pursuant to proposed law may conduct a search of the motor vehicle only if the officer has a written, visual, or audio record from the motorist confirming his informed and voluntary consent to the search of his motor vehicle or its contents.

(Amends C.Cr.P. Art. 215.1(D))