
DIGEST

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HB 557 Original

2023 Regular Session

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))