

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 R.S. 14:95.4 is hereby repealed.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

SB 152 Engrossed

2016 Regular Session

Claitor

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)