

## **BILL ANALYSIS**

Senate Research Center  
87R9733 JRR-D

S.B. 1054  
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Jurisprudence  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The United States Supreme Court<sup>1</sup> has given deference to states in designing systems that meet the objectives of reintegrating offenders into society while protecting public safety. Parole and mandatory supervision search conditions can provide police officers with a legitimate tool to detect and interdict criminal behavior. Currently, there is no law in Texas that authorizes a search of a parolee as a condition of release on parole or community supervision.

S.B. 1054 would authorize a supervision or parole officer to search a parolee or person on community supervision without a warrant if the requesting officer has reasonable suspicion that the individual committed, or is about to commit, an offense or violation of a condition of release. The bill specifies that any search under this article must be done under a reasonable manner.

<sup>1</sup> *United States v. Knights*, 534 U.S. 112 (2001)

As proposed, S.B. 1054 amends current law relating to mandatory conditions of community supervision, parole, or mandatory supervision concerning certain searches.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter H, Chapter 42A, Code of Criminal Procedure, by adding Article 42A.353, as follows:

Art. 42A.353. CONSENT TO CERTAIN SEARCHES. (a) Requires a judge granting community supervision to a defendant convicted of a felony to require as a condition of community supervision that, at the request of a supervision officer and regardless of whether the officer has a warrant authorizing the search, the defendant allow the requesting officer to search the defendant's person, vehicle, or residence, including the curtilage of the residence, if the requesting officer has reasonable suspicion that the defendant has committed or is about to commit an offense or a violation of a condition of community supervision.

(b) Provides that a search conducted pursuant to this article is required to be conducted in a reasonable manner and is prohibited from being arbitrary, capricious, or harassing.

(c) Requires a supervision officer who conducts a search pursuant to this article to notify the judge that placed the person on community supervision as soon as practicable after conducting the search.

SECTION 2. Amends Subchapter F, Chapter 508, Government Code, by adding Section 508.193, as follows:

Sec. 508.193. CONSENT TO CERTAIN SEARCHES. (a) Requires a parole panel to require as a condition of parole or mandatory supervision that, at the request of a parole officer and regardless of whether the officer has a warrant authorizing the search, a releasee allow the requesting officer to search the releasee's person, vehicle, or residence, including the curtilage of the residence, if the requesting officer has reasonable suspicion that the releasee has committed or is about to commit an offense or a violation of a condition of parole or mandatory supervision.

(b) Provides that a search conducted pursuant to this section is required to be conducted in a reasonable manner and is prohibited from being arbitrary, capricious, or harassing.

(c) Requires a parole officer who conducts a search pursuant to this section to notify the pardons and paroles division as soon as practicable after conducting the search.

SECTION 3. Effective date: September 1, 2021.