

HB 1316 -- CONSENT FOR VOLUNTARY SEARCHES

SPONSOR: Mitten

This bill requires a peace officer to, prior to conducting a consensual search of a person who is not under arrest or of the person's effects or vehicle, provide written notice to and obtain voluntary written consent from the person. Other evidence of knowing and voluntary consent may be acceptable if the person is unable to provide written consent.

If a defendant moves to suppress any evidence obtained in the course of the search, the court shall consider failure to comply with these requirements as a factor in determining the voluntariness of the consent.

The provisions of this bill do not apply to searches conducted by peace officers who have probable cause, are conducting a search incident to a lawful arrest, or are conducting a search for which there is a legal basis to search other than voluntary consent.

This bill is the same as HB 838 (2017).