



## 2013 SENATE BILL 40

1     **AN ACT to create** 302.043 (4), 302.045 (3m) (e), 302.05 (3) (c) 4., 302.11 (6m),  
2             302.113 (7r), 302.114 (8g), 304.02 (2m), 304.06 (1r) and 973.09 (1d) of the  
3             statutes; **relating to:** searches by a law enforcement officer of a person on  
4             probation, parole, or extended supervision.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5             **SECTION 1.** 302.043 (4) of the statutes is created to read:  
6             302.043 (4) A person released under this section, his or her residence, and any  
7             property under his or her control may be searched by a law enforcement officer at any  
8             time during his or her period of supervision if the officer reasonably suspects that the  
9             person is committing, is about to commit, or has committed a crime or a violation of  
10            a condition of release to extended supervision. Any search conducted pursuant to

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1 this subsection shall be conducted in a reasonable manner and may not be arbitrary,  
2 capricious, or harassing. A law enforcement officer who conducts a search pursuant  
3 to this subsection shall, as soon as practicable after the search, notify the  
4 department.

5 **SECTION 2.** 302.045 (3m) (e) of the statutes is created to read:

6 302.045 (3m) (e) A person released under this subsection, his or her residence,  
7 and any property under his or her control may be searched by a law enforcement  
8 officer at any time during his or her period of supervision if the officer reasonably  
9 suspects that the person is committing, is about to commit, or has committed a crime  
10 or a violation of a condition of release to extended supervision. Any search conducted  
11 pursuant to this paragraph shall be conducted in a reasonable manner and may not  
12 be arbitrary, capricious, or harassing. A law enforcement officer who conducts a  
13 search pursuant to this paragraph shall, as soon as practicable after the search,  
14 notify the department.

15 **SECTION 3.** 302.05 (3) (c) 4. of the statutes is created to read:

16 302.05 (3) (c) 4. A person released under this paragraph, his or her residence,  
17 and any property under his or her control may be searched by a law enforcement  
18 officer at any time during his or her period of supervision if the officer reasonably  
19 suspects that the person is committing, is about to commit, or has committed a crime  
20 or a violation of a condition of release to extended supervision. Any search conducted  
21 pursuant to this subdivision shall be conducted in a reasonable manner and may not  
22 be arbitrary, capricious, or harassing. A law enforcement officer who conducts a  
23 search pursuant to this subdivision shall, as soon as practicable after the search,  
24 notify the department.

25 **SECTION 4.** 302.11 (6m) of the statutes is created to read:

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1           302.11 (6m) A person released under this section, his or her residence, and any  
2 property under his or her control may be searched by a law enforcement officer at any  
3 time during his or her period of supervision if the officer reasonably suspects that the  
4 person is committing, is about to commit, or has committed a crime or a violation of  
5 a condition of parole. Any search conducted pursuant to this subsection shall be  
6 conducted in a reasonable manner and may not be arbitrary, capricious, or  
7 harassing. A law enforcement officer who conducts a search pursuant to this  
8 subsection shall, as soon as practicable after the search, notify the department.

9           **SECTION 5.** 302.113 (7r) of the statutes is created to read:

10           302.113 (7r) A person released under this section, his or her residence, and any  
11 property under his or her control may be searched by a law enforcement officer at any  
12 time during his or her period of supervision if the officer reasonably suspects that the  
13 person is committing, is about to commit, or has committed a crime or a violation of  
14 a condition of release to extended supervision. Any search conducted pursuant to  
15 this subsection shall be conducted in a reasonable manner and may not be arbitrary,  
16 capricious, or harassing. A law enforcement officer who conducts a search pursuant  
17 to this subsection shall, as soon as practicable after the search, notify the  
18 department.

19           **SECTION 6.** 302.114 (8g) of the statutes is created to read:

20           302.114 (8g) A person released under this section, his or her residence, and any  
21 property under his or her control may be searched by a law enforcement officer at any  
22 time during his or her period of supervision if the officer reasonably suspects that the  
23 person is committing, is about to commit, or has committed a crime or a violation of  
24 a condition of release to extended supervision. Any search conducted pursuant to  
25 this subsection shall be conducted in a reasonable manner and may not be arbitrary,

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1 capricious, or harassing. A law enforcement officer who conducts a search pursuant  
2 to this subsection shall, as soon as practicable after the search, notify the  
3 department.

4 **SECTION 7.** 304.02 (2m) of the statutes is created to read:

5 304.02 (2m) A person released under this section, his or her residence, and any  
6 property under his or her control may be searched by a law enforcement officer at any  
7 time during his or her period of supervision if the officer reasonably suspects that the  
8 person is committing, is about to commit, or has committed a crime or a violation of  
9 a condition of parole. Any search conducted pursuant to this subsection shall be  
10 conducted in a reasonable manner and may not be arbitrary, capricious, or  
11 harassing. A law enforcement officer who conducts a search pursuant to this  
12 subsection shall, as soon as practicable after the search, notify the department.

13 **SECTION 8.** 304.06 (1r) of the statutes is created to read:

14 304.06 (1r) A person released under this section, his or her residence, and any  
15 property under his or her control may be searched by a law enforcement officer at any  
16 time during his or her period of supervision if the officer reasonably suspects that the  
17 person is committing, is about to commit, or has committed a crime or a violation of  
18 a condition of parole. Any search conducted pursuant to this subsection shall be  
19 conducted in a reasonable manner and may not be arbitrary, capricious, or  
20 harassing. A law enforcement officer who conducts a search pursuant to this  
21 subsection shall, as soon as practicable after the search, notify the department.

22 **SECTION 9.** 973.09 (1d) of the statutes is created to read:

23 973.09 (1d) If a person is placed on probation for a felony or for any violation  
24 of ch. 940, 948, or 961, the person, his or her residence, and any property under his  
25 or her control may be searched by a law enforcement officer at any time during his

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1 or her period of supervision if the officer reasonably suspects that the person is  
2 committing, is about to commit, or has committed a crime or a violation of a condition  
3 of probation. Any search conducted pursuant to this subsection shall be conducted  
4 in a reasonable manner and may not be arbitrary, capricious, or harassing. A law  
5 enforcement officer who conducts a search pursuant to this subsection shall, as soon  
6 as practicable after the search, notify the department of corrections.

7 **SECTION 10. Initial applicability.**

8 (1) This act first applies to a person who is placed on probation, released on  
9 parole, or released to extended supervision on the effective date of this subsection.

10 (END)