

**2013 DRAFTING REQUEST**

**Bill**

Received: **10/10/2012** Received By: **phurley**  
 Wanted: **As time permits** Same as LRB:  
 For: **Joseph Leibham (608) 266-2056** By/Representing: **Alex Hansen**  
 May Contact: Drafter: **phurley**  
 Subject: **Criminal Law - law enforcement** Addl. Drafters:  
**Criminal Law - miscellaneous** Extra Copies:

Submit via email: **YES**  
 Requester's email: **Sen.Leibham@legis.wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Searches of persons on probation, parole, or extended supervision

**Instructions:**

redraft of 2011 SB 545

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 10/11/2012	scalvin 10/24/2012		_____			
/1	phurley 1/25/2013		phenry 10/24/2012	_____	sbasford 10/24/2012	mbarman 1/16/2013	State S&L
/2	phurley 1/28/2013	scalvin 1/28/2013	jfrantze 1/28/2013	_____	sbasford 1/28/2013	sbasford 1/28/2013	State S&L
/3		scalvin	jfrantze	_____	sbasford	sbasford	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		1/28/2013	1/29/2013	_____	1/29/2013	1/29/2013	S&L

FE Sent For:

*at  
intro*

<END>

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/2		scalvin 1/28/2013	jfrantze 1/28/2013	_____	sbasford 1/28/2013	sbasford 1/28/2013	State S&L

FE Sent For: *B suc*  
*ea/28/2013* *Jo 1/29*

<END>

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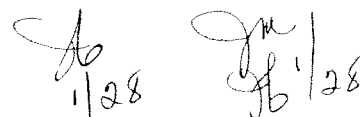
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/?	phurley 10/11/2012	scalvin 10/24/2012		_____			
/1			phenry 10/24/2012	_____	sbasford 10/24/2012	mbarman 1/16/2013	State S&L

FE Sent For: 12 sac 01/28/2013  
  
 <END>

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1?	phurley	1 sac 10/23/12	1 sac 10/24/12	10/24/12 by X			

FE Sent For:

<END>

## **Hurley, Peggy**

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**From:** Hansen, Alex  
**Sent:** Wednesday, October 10, 2012 11:53 AM  
**To:** Hurley, Peggy  
**Subject:** 2011-SB 545 Draft Request  
**Attachments:** SB545.pdf

Hi Peggy,

On behalf of Senator Leibham, could you please redraft 2011 SB 545 in preparation for the 2013 session?

Please draft the bill in introducible form.

Thank you very much.

Alex Hansen  
Office of Senator Joe Leibham - 9th Senate District  
PO Box 7882  
Madison, WI 53707-7882

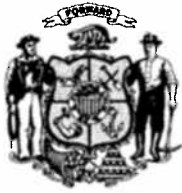
Capitol Phone: (608) 266-2056

District Phone: (920) 457-7367

Toll Free: (888) 295-8750

Fax: (608) 267-6796

[www.leibhamsenate.com](http://www.leibhamsenate.com)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-4005/A  
PJH:med:rs

*Handwritten signature and initials*

**2011 SENATE BILL 545**

*10-11-12*

*029/1  
ranr*

March 5, 2012 - Introduced by Senators LEIBHAM and T. CULLEN, cosponsored by Representatives ENDSLEY, BIES, JACQUE, LEMAHIEU, MARKLEIN, SPANBAUER, STROEBEL and ZIEGELBAUER. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

*regen cat*

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.

***Analysis by the Legislative Reference Bureau***

Under current law, with certain exceptions, if a person is convicted of a crime a court may withhold sentencing of the person or may impose a sentence but stay its execution and, in either case, place the person on probation. The court may impose conditions of probation. If a person violates a condition of probation, the person's probation may be revoked.

Under current law, a person who is released from confinement in a prison to parole or to extended supervision is subject to conditions set by the parole commission or by the Department of Corrections. If a person violates one of these conditions, his or her parole or extended supervision may be revoked and the person may be returned to prison.

This bill specifies that a person who is placed on probation or a person who is released from incarceration to parole or extended supervision is subject to having his or her person, residence, and any property under his control searched by a law enforcement officer at any time if the officer reasonably suspects that the person is committing, is about to commit, or has committed a crime or a violation of a condition of probation or release. *or her*



**SENATE BILL 545**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 302.043<sup>✓</sup> (4) of the statutes is created to read:

2           302.043 (4) A person released under this section, his or her residence, and any  
3 property under his or her control may be searched by a law enforcement officer at any  
4 time during his or her period of supervision if the officer reasonably suspects that the  
5 person is committing, is about to commit, or has committed a crime or a violation of  
6 a condition of release to extended supervision.

7           **SECTION 2.** 302.045 (3m)<sup>✓</sup> (e) of the statutes is created to read:

8           302.045 (3m) (e) A person released under this subsection, his or her residence,  
9 and any property under his or her control may be searched by a law enforcement  
10 officer at any time during his or her period of supervision if the officer reasonably  
11 suspects that the person is committing, is about to commit, or has committed a crime  
12 or a violation of a condition of release to extended supervision.

13           **SECTION 3.** 302.05 (3) (c) 4.<sup>✓</sup> of the statutes is created to read:

14           302.05 (3) (c) 4. A person released under this paragraph, his or her residence,  
15 and any property under his or her control may be searched by a law enforcement  
16 officer at any time during his or her period of supervision if the officer reasonably  
17 suspects that the person is committing, is about to commit, or has committed a crime  
18 or a violation of a condition of release to extended supervision.

19           **SECTION 4.** 302.11 (6m)<sup>✓</sup> of the statutes is created to read:

20           302.11 (6m) 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

**SENATE BILL 545**

1 time during his or her period of supervision if the officer reasonably suspects that the  
2 person is committing, is about to commit, or has committed a crime or a violation of  
3 a condition of parole.

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

5 302.113 (7r) 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 release to extended supervision.

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

11 302.114 (8g) A person released under this section, his or her residence, and any  
12 property under his or her control may be searched by a law enforcement officer at any  
13 time during his or her period of supervision if the officer reasonably suspects that the  
14 person is committing, is about to commit, or has committed a crime or a violation of  
15 a condition of release to extended supervision.

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

17 304.02 (2m) A person released under this section, his or her residence, and any  
18 property under his or her control may be searched by a law enforcement officer at any  
19 time during his or her period of supervision if the officer reasonably suspects that the  
20 person is committing, is about to commit, or has committed a crime or a violation of  
21 a condition of parole.

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

23 304.06 (1r) A person released under this section, his or her residence, and any  
24 property under his or her control may be searched by a law enforcement officer at any  
25 time during his or her period of supervision if the officer reasonably suspects that the

**SENATE BILL 545****SECTION 8**

1 person is committing, is about to commit, or has committed a crime or a violation of  
2 a condition of parole.

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

4 973.09 (1d) A person who is placed on probation, his or her residence, and any  
5 property under his or her control may be searched by a law enforcement officer at any  
6 time during his or her period of supervision if the officer reasonably suspects that the  
7 person is committing, is about to commit, or has committed a crime or a violation of  
8 a condition of probation.

9 **SECTION 10. Initial applicability.**

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

12 (END)

## Barman, Mike

---

**From:** Hurley, Peggy  
**Sent:** Wednesday, January 16, 2013 3:13 PM  
**To:** Barman, Mike  
**Subject:** FW: Bill Request in Introducible Draft Form

Hi Mike,

Can you please jacket 13-0249? I will redraft 0750 into a /1.

Peggy

LRB-0294



**From:** Hansen, Alex  
**Sent:** Wednesday, January 16, 2013 3:11 PM  
**To:** Hurley, Peggy  
**Subject:** Bill Request in Introducible Draft Form

Good Afternoon Peggy,

On behalf of Senator Leibham, could I please get the following bills delivered to our office in introducible draft form, along with a jacket for introduction?

- LRB 0294/1
- LRB 0750/P2

Thank you very much.

**Alex Hansen**  
*Office of Senator Joe Leibham*  
Phone: (608) 266-2056  
Room 15 South, State Capitol  
[www.leibhamsenate.com](http://www.leibhamsenate.com)

---

**From:** Wallace, Bob [<mailto:bob.wallace@ci.sheboygan.wi.us>]  
**Sent:** Friday, January 25, 2013 11:49 AM  
**To:** Hansen, Alex  
**Subject:** RE: DOJ Input on Probation/Parole Legislation

Hello Alex,

Thank you for your work on this legislation. Per our telephone conversation here is recommended language to be considered for addition to the current draft in the appropriate sections:

**“All searches shall be conducted in a reasonable manner and shall not be arbitrary, capricious or harassing.”**

**“A law enforcement officer who conducts a search pursuant to the authority granted under this section shall notify the Department of Corrections as soon as reasonably practical following the search.”**

Alex, please send a copy of the draft to Chief Domagalski and I for review before further distributing to others.

Take Care,

Bob

---

**From:** Hansen, Alex [<mailto:Alex.Hansen@legis.wisconsin.gov>]  
**Sent:** Friday, January 25, 2013 9:21 AM  
**To:** Wallace, Bob  
**Subject:** DOJ Input on Probation/Parole Legislation

Good Morning Captain,

I hope 2013 is off to a good start for you. Currently, we are making the final preparations to Senator Leibham's legislative agenda for this session.

DOJ has offered some input on the probation parole bill, found below. I'd like to get your thoughts on their recommendations to see whether or not we should amend the current draft (attached).

On another note, I think you'll be happy to know that Corrections Secretary Ed Wall is strongly supportive of this bill.

Please call with any questions. Thank you.

**Alex Hansen**  
*Office of Senator Joe Leibham*  
Phone: (608) 266-2056  
Room 15 South, State Capitol  
[www.leibhamsenate.com](http://www.leibhamsenate.com)

---

**From:** Rinehart, Mark W. [<mailto:RinehartMW@DOJ.STATE.WI.US>]  
**Sent:** Thursday, January 24, 2013 5:02 PM  
**To:** Hansen, Alex  
**Subject:** searches by LE

Options for amendments to LRB0294/1:

- 1) Add language specifying the searches are a condition of probation, parole, or extended supervision. This may better notify the defendant that there can be a search and diminish the expectation of privacy, and may add an element of consent which helps justify a search;
- 2) Add language such as “and evidence of the crime or violation might be found in the place to be searched.” The fact that evidence might be found helps meet the reasonableness requirement of the Fourth Amendment;
- 3) Add language to specify that the searches are to be conducted in a reasonable manner and not used to harass supervised persons.
- 4) DOC 328.21 authorizes certain searches by agents, but the draft could be amended to codify in statute that supervising agents are allowed to search supervised persons.

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NOTICE: This e-mail may contain confidential information and is intended only for the individual named. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail; please notify the sender immediately and delete this e-mail from your system. Also, please be aware that email correspondence to and from "The City of Sheboygan" may be subject to open record requests.

## Hurley, Peggy

---

**From:** Hansen, Alex  
**Sent:** Friday, January 25, 2013 2:38 PM  
**To:** Hurley, Peggy  
**Subject:** RE: Changes to LRB 0294/1

Ok, thanks for your efforts on this.

---

**From:** Hurley, Peggy  
**Sent:** Friday, January 25, 2013 1:18 PM  
**To:** Hansen, Alex  
**Subject:** RE: Changes to LRB 0294/1

Hi Alex,

I can make those changes. I believe that I can get the draft out to you by Tuesday or Wednesday if I can get the stripes back today or, at the latest Monday.

Peggy

---

**From:** Hansen, Alex  
**Sent:** Friday, January 25, 2013 12:03 PM  
**To:** Hurley, Peggy  
**Subject:** Changes to LRB 0294/1

Hi Peggy,

Please see the e-mail below. Could you incorporate these changes into a re-draft of LRB 0294/1?

As far as a timeline, I am sure you are very busy. Any chance we could get this back by Tuesday or Wednesday of next week?

Thank you.

**Alex Hansen**  
*Office of Senator Joe Leibham*  
Phone: (608) 266-2056  
Room 15 South, State Capitol  
[www.leibhamsenate.com](http://www.leibhamsenate.com)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-02944

PJH:sac:ph

2  
MR

2013 BILL

by 1-29-13

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(DOC)

*Analysis by the Legislative Reference Bureau*

Under current law, with certain exceptions, if a person is convicted of a crime a court may withhold sentencing of the person or may impose a sentence but stay its execution and, in either case, place the person on probation. The court may impose conditions of probation. If a person violates a condition of probation, the person's probation may be revoked.

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Inset analysis



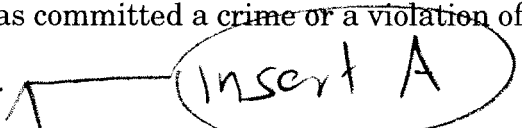
**BILL**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

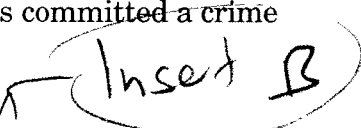
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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

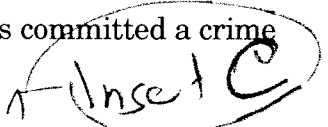
1           **SECTION 1.** 302.043 (4) of the statutes is created to read:

2           302.043 (4) A person released under this section, his or her residence, and any  
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4 time during his or her period of supervision if the officer reasonably suspects that the  
5 person is committing, is about to commit, or has committed a crime or a violation of  
6 a condition of release to extended supervision. 

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

8           302.045 (3m) (e) A person released under this subsection, his or her residence,  
9 and any property under his or her control may be searched by a law enforcement  
10 officer at any time during his or her period of supervision if the officer reasonably  
11 suspects that the person is committing, is about to commit, or has committed a crime  
12 or a violation of a condition of release to extended supervision. 

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

14           302.05 (3) (c) 4. A person released under this paragraph, his or her residence,  
15 and any property under his or her control may be searched by a law enforcement  
16 officer at any time during his or her period of supervision if the officer reasonably  
17 suspects that the person is committing, is about to commit, or has committed a crime  
18 or a violation of a condition of release to extended supervision. 

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

20           302.11 (6m) 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

**BILL**

1 time during his or her period of supervision if the officer reasonably suspects that the  
2 person is committing, is about to commit, or has committed a crime or a violation of  
3 a condition of parole. *Insert A*

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

5 302.113 (7r) 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 release to extended supervision. *Insert A*

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

11 302.114 (8g) A person released under this section, his or her residence, and any  
12 property under his or her control may be searched by a law enforcement officer at any  
13 time during his or her period of supervision if the officer reasonably suspects that the  
14 person is committing, is about to commit, or has committed a crime or a violation of  
15 a condition of release to extended supervision. *Insert A*

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

17 304.02 (2m) A person released under this section, his or her residence, and any  
18 property under his or her control may be searched by a law enforcement officer at any  
19 time during his or her period of supervision if the officer reasonably suspects that the  
20 person is committing, is about to commit, or has committed a crime or a violation of  
21 a condition of parole. *Insert A*

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

23 304.06 (1r) A person released under this section, his or her residence, and any  
24 property under his or her control may be searched by a law enforcement officer at any  
25 time during his or her period of supervision if the officer reasonably suspects that the

**BILL**

1 person is committing, is about to commit, or has committed a crime or a violation of  
2 a condition of parole. *Insert A*

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

4 973.09 (1d) A person who is placed on probation, his or her residence, and any  
5 property under his or her control may be searched by a law enforcement officer at any  
6 time during his or her period of supervision if the officer reasonably suspects that the  
7 person is committing, is about to commit, or has committed a crime or a violation of  
8 a condition of probation. *Insert D*

9 **SECTION 10. Initial applicability.**

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

12 (END)

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0294/lins  
PJH:sac:ph

1           INSERT ANALYSIS:

no ff Under the bill, a law enforcement officer may not conduct the search in an arbitrary, capricious, or harassing manner and must notify DOC as soon as practical after he or she conducts the search.

2

3           INSERT A:

no ff Any search conducted pursuant to this subsection shall be conducted in a reasonable manner and may not be arbitrary, capricious, or harassing. A law enforcement officer who conducts a search pursuant to this subsection shall, as soon as practicable after the search, notify the department.

4

5           INSERT B:

no ff Any search conducted pursuant to this paragraph shall be conducted in a reasonable manner and may not be arbitrary, capricious, or harassing. A law enforcement officer who conducts a search pursuant to this paragraph shall, as soon as practicable after the search, notify the department.

6

7           INSERT C:

no ff Any search conducted pursuant to this subdivision shall be conducted in a reasonable manner and may not be arbitrary, capricious, or harassing. A law enforcement officer who conducts a search pursuant to this subdivision shall, as soon as practicable after the search, notify the department.

8

9           INSERT D:

no ff Any search conducted pursuant to this subsection shall be conducted in a reasonable manner and may not be arbitrary, capricious, or harassing. A law enforcement officer who conducts a search pursuant to this subsection shall, as soon as practicable after the search, notify the department of corrections.

10

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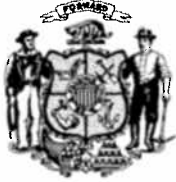
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State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-0294/2

PJH:sac:jf

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2013 BILL

By 1-30-13

gen act

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***

Under current law, with certain exceptions, if a person is convicted of a crime a court may withhold sentencing of the person or may impose a sentence but stay its execution and, in either case, place the person on probation. The court may impose conditions of probation. If a person violates a condition of probation, the person's probation may be revoked.

Under current law, a person who is released from confinement in a prison to parole or to extended supervision is subject to conditions set by the parole commission or by the Department of Corrections (DOC). If a person violates one of these conditions, his or her parole or extended supervision may be revoked and the person may be returned to prison.

This bill specifies that a person who is placed on probation or a person who is released from incarceration to parole or extended supervision is subject to having his or her person, residence, and any property under his or her control searched by a law enforcement officer at any time if the officer reasonably suspects that the person is committing, is about to commit, or has committed a crime or a violation of a condition of probation or release. Under the bill, a law enforcement officer may not conduct

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the search in an arbitrary, capricious, or harassing manner and must notify DOC as soon as practical after he or she conducts the search.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 302.043 (4) of the statutes is created to read:

2           302.043 (4) A person released under this section, his or her residence, and any  
3 property under his or her control may be searched by a law enforcement officer at any  
4 time during his or her period of supervision if the officer reasonably suspects that the  
5 person is committing, is about to commit, or has committed a crime or a violation of  
6 a condition of release to extended supervision. Any search conducted pursuant to  
7 this subsection shall be conducted in a reasonable manner and may not be arbitrary,  
8 capricious, or harassing. A law enforcement officer who conducts a search pursuant  
9 to this subsection shall, as soon as practicable after the search, notify the  
10 department. Any search conducted pursuant to this paragraph shall be conducted  
11 in a reasonable manner and may not be arbitrary, capricious, or harassing. A law  
12 enforcement officer who conducts a search pursuant to this paragraph shall, as soon  
13 as practicable after the search, notify the department.

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

15           302.045 (3m) (e) A person released under this subsection, his or her residence,  
16 and any property under his or her control may be searched by a law enforcement  
17 officer at any time during his or her period of supervision if the officer reasonably  
18 suspects that the person is committing, is about to commit, or has committed a crime  
19 or a violation of a condition of release to extended supervision. Any search conducted  
20 pursuant to this paragraph shall be conducted in a reasonable manner and may not

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

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

5 302.05 (3) (c) 4. A person released under this paragraph, his or her residence,  
6 and any property under his or her control may be searched by a law enforcement  
7 officer at any time during his or her period of supervision if the officer reasonably  
8 suspects that the person is committing, is about to commit, or has committed a crime  
9 or a violation of a condition of release to extended supervision. Any search conducted  
10 pursuant to this subdivision shall be conducted in a reasonable manner and may not  
11 be arbitrary, capricious, or harassing. A law enforcement officer who conducts a  
12 search pursuant to this subdivision shall, as soon as practicable after the search,  
13 notify the department.

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

15 302.11 (6m) A person released under this section, his or her residence, and any  
16 property under his or her control may be searched by a law enforcement officer at any  
17 time during his or her period of supervision if the officer reasonably suspects that the  
18 person is committing, is about to commit, or has committed a crime or a violation of  
19 a condition of parole. Any search conducted pursuant to this subsection shall be  
20 conducted in a reasonable manner and may not be arbitrary, capricious, or  
21 harassing. A law enforcement officer who conducts a search pursuant to this  
22 subsection shall, as soon as practicable after the search, notify the department.

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

24 302.113 (7r) A person released under this section, his or her residence, and any  
25 property under his or her control may be searched by a law enforcement officer at any

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

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

9 302.114 (8g) A person released under this section, his or her residence, and any  
10 property under his or her control may be searched by a law enforcement officer at any  
11 time during his or her period of supervision if the officer reasonably suspects that the  
12 person is committing, is about to commit, or has committed a crime or a violation of  
13 a condition of release to extended supervision. Any search conducted pursuant to  
14 this subsection shall be conducted in a reasonable manner and may not be arbitrary,  
15 capricious, or harassing. A law enforcement officer who conducts a search pursuant  
16 to this subsection shall, as soon as practicable after the search, notify the  
17 department.

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

19 304.02 (2m) A person released under this section, his or her residence, and any  
20 property under his or her control may be searched by a law enforcement officer at any  
21 time during his or her period of supervision if the officer reasonably suspects that the  
22 person is committing, is about to commit, or has committed a crime or a violation of  
23 a condition of parole. Any search conducted pursuant to this subsection shall be  
24 conducted in a reasonable manner and may not be arbitrary, capricious, or



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

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

4 304.06 (1r) A person released under this section, his or her residence, and any  
5 property under his or her control may be searched by a law enforcement officer at any  
6 time during his or her period of supervision if the officer reasonably suspects that the  
7 person is committing, is about to commit, or has committed a crime or a violation of  
8 a condition of parole. Any search conducted pursuant to this subsection shall be  
9 conducted in a reasonable manner and may not be arbitrary, capricious, or  
10 harassing. A law enforcement officer who conducts a search pursuant to this  
11 subsection shall, as soon as practicable after the search, notify the department.

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

13 973.09 (1d) A person who is placed on probation, his or her residence, and any  
14 property under his or her control may be searched by a law enforcement officer at any  
15 time during his or her period of supervision if the officer reasonably suspects that the  
16 person is committing, is about to commit, or has committed a crime or a violation of  
17 a condition of probation. Any search conducted pursuant to this subsection shall be  
18 conducted in a reasonable manner and may not be arbitrary, capricious, or  
19 harassing. A law enforcement officer who conducts a search pursuant to this  
20 subsection shall, as soon as practicable after the search, notify the department of  
21 corrections.

22 **SECTION 10. Initial applicability.**

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

25 (END)