

By: Huffman

S.B. No. 1054

A BILL TO BE ENTITLED

AN ACT

relating to mandatory conditions of community supervision, parole,
or mandatory supervision concerning certain searches.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

Art. 42A.353. CONSENT TO CERTAIN SEARCHES. (a) A judge
granting community supervision to a defendant convicted of a felony
shall 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) A search conducted pursuant to this article must be
conducted in a reasonable manner and may not be arbitrary,
capricious, or harassing.

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

SECTION 2. Subchapter F, Chapter 508, Government Code, is

1 amended by adding Section 508.193 to read as follows:

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

11 (b) A search conducted pursuant to this section must be
12 conducted in a reasonable manner and may not be arbitrary,
13 capricious, or harassing.

14 (c) A parole officer who conducts a search pursuant to this
15 section shall notify the division as soon as practicable after
16 conducting the search.

17 SECTION 3. This Act takes effect September 1, 2021.