

HB 973 -- WRITTEN CONSENT TO SEARCH VEHICLES

SPONSOR: Ellington

The bill requires every peace officer to obtain written consent from the individual authorized to give consent to search the vehicle. The form to be signed by the individual must include the following information:

- (1) The date and location of the stop;
- (2) The name and identification number of the peace officer making the request for consent to search and any additional peace officers who actively participate in the discussions regarding the consent;
- (3) A statement informing the individual authorized to give consent that he or she has the right to refuse to grant consent to search and at any time for any reason may withdraw the consent to search;
- (4) A statement informing the individual authorized to give consent that he or she has the right to be present during the search;
- (5) Check-off boxes to indicate if consent is granted, and if consent is granted, the authorized individual must check the appropriate box and sign and date the form; and
- (6) If the individual authorized to give consent refuses, the peace officer or individual must note on the form the refusal and the individual must not be required to sign the form.

The provisions of this bill do not apply when the search of the vehicle is based on probable cause, a search incident to or subsequent to an unlawful arrest, or a search for which there is a legal basis other than consent.