

HB494 INTRODUCED



1 HB494
2 U9Q1LGG-1
3 By Representatives Harrison, Butler, Stringer, Yarbrough,
4 Mooney, Wadsworth, Whorton, Brown, Sorrells, Myrex, Estes,
5 Rehm, Allbright, Gidley, Hulsey
6 RFD: Judiciary
7 First Read: 24-Feb-26



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SYNOPSIS:

Under the Constitution of Alabama of 2022, a resident is protected from the unreasonable search and seizure of his or her person, house, papers, and possessions.

Also under the Constitution of Alabama of 2022 and existing case law and statutory law, this protection has been construed to require a warrant issued only upon a showing of probable cause to search or seize any of these protected items, subject to several established exceptions.

Also under existing case law and statutory law, real property that is not included within one's house, known as open fields, does not enjoy this protection from unreasonable search and seizure.

This bill would require a government agent to have a warrant to enter any private real property or seize personal property on private real property, subject to several specified exceptions.

This bill would require a government agent entering private real property to take certain actions.

This bill would also provide for searches and seizures conducted in violation of this bill.



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29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to search and seizure; to require that
34 government agents have a warrant to enter private real
35 property and seize personal property, subject to exceptions;
36 to require certain actions of government agents entering
37 private real property; and to provide for searches and
38 seizures conducted in violation of this act.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

40 Section 1. The Legislature finds and declares the
41 following:

42 (1) The people of this state have a right to be free
43 from physical intrusions of their private property.

44 (2) The people of this state have a reasonable
45 expectation of privacy in their homes and property, both real
46 and personal.

47 (3) This state should protect its residents' homes and
48 property, both real and personal, from warrantless searches
49 and seizures.

50 Section 2. (a) For purposes of this section, the
51 following terms have the following meanings:

52 (1) GOVERNMENT AGENT. Any individual who is an employee
53 of or contracted with this state or a political subdivision of
54 this state, including a law enforcement officer and inspector.

55 (2) PRIVATE LAND. Real property that is owned, leased,
56 used, or occupied by an individual or nongovernmental entity,



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57 including any real property otherwise considered to be an open
58 field.

59 (b) A government agent may not enter upon private land
60 without a warrant unless any of the following occurs:

61 (1) The owner, lessee, or occupant of the private land
62 consents to the government agent entering the land.

63 (2) The government agent is notified of or observes
64 exigent circumstances occurring on the private land.

65 (3) The government agent has probable cause to believe
66 the unlawful killing or destruction of a wild animal or wild
67 plant, or the destruction of evidence relating to such an
68 unlawful killing or destruction, on the private land is
69 imminent.

70 (4) The government agent has been notified of or
71 observes a crippled or distressed wild animal needing to be
72 euthanized on the private land.

73 (c) Upon entering private land pursuant to subsection
74 (b), a government agent shall do all of the following:

75 (1) Make a reasonable effort to notify the owner,
76 lessee, or occupant of the private land of the agent's
77 presence on the land as soon as possible.

78 (2) Activate his or her body-worn camera, if equipped.

79 (3) Provide photographic or video evidence of the wild
80 animal needing to be euthanized to the owner, lessee, or
81 occupant of the private land if entering pursuant to
82 subdivision (b) (4).

83 (d) A government agent shall serve the warrant
84 permitting his or her entry onto private land on the owner,



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85 lessee, or occupant thereof, if present, unless entry is
86 permitted without a warrant pursuant to subsection (b).

87 (e) A government agent may not seize any personal
88 property, including currency, vehicles, weapons, tools,
89 animals, or plants from private land unless either of the
90 following occurs:

91 (1) The government agent has a warrant authorizing the
92 seizure.

93 (2) The government agent has entered the private land
94 pursuant to subsection (b) and has probable cause of the
95 commission of a criminal act relating to the personal
96 property.

97 (f) Evidence obtained from a search or seizure
98 conducted in violation of this section is inadmissible in any
99 administrative, civil, or criminal proceeding.

100 (g) An arrest made pursuant to a search or seizure
101 conducted in violation of this section is invalid.

102 Section 3. This act shall become effective on October
103 1, 2026.