



# SEARCH OF LICENSED PREMISES

Enforcement Division  
Policy Number: LE 2.02.00

Effective Date: 2/1/08

## POLICY

Certified peace officers (CPOs) will search licensed premises as part of an investigation, inspection, or any duty imposed by the Alcoholic Beverage Code or the Commission Rules. CPOs will conduct searches in a way that minimizes the disruption, if any, necessary to complete the search.

## RULES

### **Alcoholic Beverage Code § 101.04. Consent To Inspection; Penalty.**

- (a) By accepting a license or permit, the holder consents to the commission, an authorized representative of the commission, or a peace officer entering the licensed premises at any time to conduct an investigation or inspect the premises for the purpose of performing any duty imposed by this code.
- (b) A person commits an offense if the person refuses to allow the commission, an authorized representative of the commission, or a peace officer to enter a licensed or permitted premises as required by Subsection (a). An offense under this section is a Class A misdemeanor.

## PROCEDURES

- a. A CPO will enter licensed premises for the purpose of performing a duty imposed by the Alcoholic Beverage Code or the Commission Rules.
- b. The CPO will determine what areas constitute the licensed premises.
- c. The CPO will determine whether an act constitutes a search.
- d. **Search Beyond the Scope of § 101.04.** If the CPO needs to search property that is not part of the licensed premises, he or she must do so in accordance with *Search of Persons and Property*, § 2.01.00 of this manual.
- e. The CPO will conduct any necessary seizures according to § 2.03.00, *Seizure of Property*.