

A state enacted a statute "to regulate administratively the conduct of motor vehicle junkyard businesses in order to deter motor vehicle theft and trafficking in stolen motor vehicles or parts thereof." The statute requires a junkyard owner or operator "to permit representatives of the Department of Motor Vehicles or of any law enforcement agency upon request during normal business hours to take physical inventory of motor vehicles and parts thereof on the premises." The statute also states that a failure to comply with any of its requirements constitutes a felony.

In a large city located in this state, two police officers assigned to the automobile crimes unit periodically visited all motor vehicle junkyards in the city to make the inspections permitted by the statute. A woman owned such a business. One summer day, the officers asked to inspect the vehicles on her lot. The woman asked, "Do I have a choice?" The officers told her she did not. The officers then conducted their inspection and discovered three stolen automobiles.

The woman is charged with receiving stolen property. She moves pretrial to suppress the evidence relating to the three automobiles on the ground that the inspection was unconstitutional.

How should the court rule on her motion to suppress this evidence?

- A. Deny the motion, because administrative searches of commercial establishments do not require warrants.
- B. Deny the motion, because the statute deals reasonably with a highly regulated industry.
- C. Sustain the motion, because the stated regulatory purpose of the statute is a pretext to circumvent the warrant requirement in conducting criminal investigations.
- D. Sustain the motion, because the statute grants unbridled discretion to law enforcement officers to make warrantless searches.

Explanation:

Administrative or regulatory searches

Ordinary industries	Warrant based on less stringent probable cause standard—ie: search meets reasonable & neutral administrative standard <i>or</i> public interest justifies search
Highly regulated industries	No warrant required if: statute/regulatory scheme involves substantial government interest warrantless search necessary to further interest <i>and</i> statute provides constitutionally adequate substitute for warrant

A court should suppress evidence obtained from an unreasonable Fourth Amendment search. A search is generally unreasonable if it is conducted without a warrant based on probable cause. But an **administrative search of a highly regulated industry** is an **exception to the warrant requirement** since it furthers administrative objectives (eg, to protect the public welfare)—not traditional law enforcement objectives (eg, to gather evidence for criminal prosecution). Therefore, a statute can permit warrantless administrative searches of highly regulated industries if **three requirements** are met:

The statute's purpose involves a **substantial government interest**—eg, improving public health and safety.

Warrantless searches are **necessary to further the statute's purpose**—ie, unannounced searches are needed to properly inspect the industry.

The statute provides a **constitutionally adequate substitute** for a warrant—ie, it (1) notifies the property owner that searches are authorized and (2) limits the inspecting officers' discretion concerning the time, place, and scope of the search.

Here, the court should deny the woman's motion to suppress and admit the evidence from the officers' warrantless administrative search of her motor vehicle junkyard (highly regulated industry). The Fourth Amendment was not violated since the statute authorizing their search, according to *New York v. Burger*, met all three requirements:

The statute's purpose—to deter motor vehicle theft and trafficking in stolen vehicles and parts—involves a substantial government interest.

Warrantless inspections of motor vehicle junkyards are necessary to further the statute's purpose.

The statute is a constitutionally adequate substitute for a warrant because it (1) notifies junkyard owners that the inspections are authorized and (2) limits police discretion by only

permitting them to inventory vehicles and parts on the premises during normal business hours.

(Choice A) Administrative searches of most commercial establishments *do* require a warrant (eg, health inspection of a restaurant). However, no warrant is required for administrative searches of highly regulated industries (as seen here).

(Choice C) The statute's stated purpose is to deter motor vehicle theft and trafficking in stolen vehicles and parts. There is no evidence that the stated purpose was a pretext to circumvent the general warrant requirement (or that officers used it to conduct unlawful searches). Therefore, the statute validly authorized the officers' search.

(Choice D) The statute does not grant law enforcement officers unbridled discretion to make warrantless searches. It restricts officers to taking physical inventory of vehicles and parts in motor vehicle junkyards during normal business hours. Therefore, evidence obtained from the officers' search is admissible at trial.

Educational objective:

A statute permitting warrantless administrative searches of highly regulated industries is valid if: (1) its purpose concerns a substantial government interest, (2) warrantless searches are necessary to further that purpose, and (3) it is a constitutionally adequate substitute for a warrant (ie, gives notice of right to search and limits officer discretion).

References

U.S. Const. amend. IV (prohibition against unreasonable searches and seizures).

New York v. Burger, 482 U.S. 691, 702–04 (1987) (listing the requirements for a reasonable administrative search of a highly regulated industry).

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