

The House Committee on State Institutions and Property offers the following substitute to HB 1160:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated,
2 relating to criminal trespass and damage to property, so as to create a new offense for
3 tampering or interfering with electronic monitoring devices; to provide for penalties; to
4 provide a definition; to provide for legislative findings; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The General Assembly finds that the safety of the public is a paramount concern and that
9 prison and jail overcrowding and the high cost of incarceration demand a cost effective and
10 innovative approach to protecting communities from dangerous offenders while at the same
11 time providing alternatives to, or bridges to and from incarceration. Under appropriate
12 conditions and limitations, electronic monitoring devices provide the criminal justice system
13 with a tool that should be considered under proper circumstances. Electronic monitoring
14 devices offer effective means to track individuals and may reduce criminal recidivism as well
15 as provide the state with monetary savings since the cost of an electronic monitoring device
16 is far less than the cost of incarcerating an individual and an individual may be able to pay
17 for the device. The criminal penalties provided by this Act are designed to encourage the use
18 of electronic monitoring devices while at the same time discourage interference with these
19 devices.

20 **SECTION 2.**

21 Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to
22 criminal trespass and damage to property, is amended by adding a new Code Section
23 16-7-29, to read as follows:

1 "16-7-29.

2 (a) It shall be unlawful for any person to knowingly and without authority tamper with,
3 remove, destroy, or circumvent the operation of an electronic monitoring device which is
4 being used for the purpose of monitoring a person who is:

5 (1) Complying with a home arrest program as set forth in Code Section 42-1-8;

6 (2) Wearing an electronic monitoring device as a condition of bond or pretrial release;

7 (3) Wearing an electronic monitoring device as a condition of probation; or

8 (4) Wearing an electronic monitor as a condition of parole.

9 (b) It shall be unlawful for any person to knowingly and without authority request or
10 solicit any other person to tamper with, remove, destroy, or circumvent the operation of an
11 electronic monitoring device which is being used for the purposes described in subsection
12 (a) of this Code section.

13 (c) For purposes of this Code section, the term 'electronic monitoring device' shall include
14 any device that is utilized to track the location of a person.

15 (d) Any person who violates this Code section shall be guilty of the offense of tampering
16 with the operation of an electronic monitoring device and shall be punished by
17 imprisonment for not less than one nor more than 5 years."

18 **SECTION 2.**

19 All laws and parts of laws in conflict with this Act are repealed.