

House Bill 1160 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Powell of the 23<sup>rd</sup>, Greene of the 134<sup>th</sup>, Parham of the 94<sup>th</sup>, O'Neal of the 117<sup>th</sup>, Teper of the 42<sup>nd</sup>, Post 1, and others

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 interfering with electronic monitoring devices; to provide for penalties; to provide a  
4 definition; to provide for legislative findings; to provide for related matters; to repeal  
5 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 remove, destroy,  
3 or circumvent the operation of an electronic monitoring device which is being used for the  
4 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 remove, destroy, or circumvent the operation of an electronic  
11 monitoring device which is being used for the purposes described in subsection (a) of this  
12 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.