

## HOUSE SUBSTITUTE TO SENATE BILL 469

## 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, and Code Section 42-8-35, relating to  
3 terms and conditions of probation, so as to provide for utilization of electronic monitoring  
4 devices for probation and an offense related to interfering with such device; to provide for  
5 legislative findings; to create a new offense for interfering with electronic monitoring  
6 devices; to provide the court with additional punishment tools for the criminal offenses  
7 against a victim who is a minor; to provide for fees related to monitoring; to provide for  
8 penalties; to provide a definition; to provide for related matters; to provide an effective date;  
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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



1 (7) Make reparation or restitution to any aggrieved person for the damage or loss caused  
 2 by ~~his~~ the probationer's offense, in an amount to be determined by the court. Unless  
 3 otherwise provided by law, no reparation or restitution to any aggrieved person for the  
 4 damage or loss caused by ~~his~~ the probationer's offense shall be made if the amount is in  
 5 dispute unless the same has been adjudicated;

6 (8) Make reparation or restitution as reimbursement to a municipality or county for the  
 7 payment for medical care furnished the person while incarcerated pursuant to the  
 8 provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local  
 9 governmental unit for the provision of medical care shall be made if the amount is in  
 10 dispute unless the same has been adjudicated;

11 (9) Repay the costs incurred by any municipality or county for wrongful actions by an  
 12 inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section  
 13 42-4-71;

14 (10) Support ~~his~~ the probationer's legal dependents to the best of ~~his~~ the probationer's  
 15 ability;

16 (11) Violate no local, state, or federal laws and be of general good behavior; and

17 (12) If permitted to move or travel to another state, agree to waive extradition from any  
 18 jurisdiction where ~~he~~ the probationer may be found and not contest any effort by any  
 19 jurisdiction to return ~~him~~ the probationer to this state.

20 (b) In determining the terms and conditions of probation for a probationer who has been  
 21 convicted of a criminal offense against a victim who is a minor as that phrase is defined in  
 22 subparagraph (a)(4)(B) of Code Section 42-1-12, the court may provide that the probationer  
 23 shall be:

24 (1) Prohibited from entering or remaining present at a victim's school, place of  
 25 employment, place of residence, or other specified place at times when a victim is present  
 26 or from entering or remaining present in areas where minors congregate, child care  
 27 facilities, or schools as those terms are defined in subsection (a) of Code Section 42-1-13;

28 (2) Required to wear a device capable of tracking the location of the probationer by  
 29 means including electronic surveillance or global positioning systems. Unless the  
 30 probationer is indigent, the department shall assess and collect fees from the probationer  
 31 for such monitoring at levels set by regulation by the department; and

32 (3) Prohibited from seeking election to a Local Board of Education."

#### 33 SECTION 4.

34 This Act shall become effective on January 1, 2005.

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**SECTION 5.**

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