

Senate Bill 269

By: Senators Rogers of the 21st, Smith of the 52nd and Hill of the 32nd

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Code Section 16-11-64.1 of the Official Code of Georgia Annotated, relating to  
2 application and issuance of order authorizing installation and use of pen register or trap and  
3 trace device, so as to provide that the district attorney having jurisdiction over the  
4 prosecution of the crime under investigation may apply for or extend an order authorizing  
5 the installation and use of a pen register or trap and trace device; to provide that any superior  
6 court judge may authorize such use; to provide for related matters; to provide an effective  
7 date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 16-11-64.1 of the Official Code of Georgia Annotated, relating to application  
11 and issuance of order authorizing installation and use of pen register or trap and trace device,  
12 is amended by striking the Code section and inserting in lieu thereof a new Code Section  
13 16-11-64.1 to read as follows:

14 "16-11-64.1.

15 Any district attorney having jurisdiction over the prosecution of the crime under  
16 investigation or the Attorney General is authorized to make application for an order or an  
17 extension of an order authorizing or approving the installation and use of a pen register or  
18 a trap and trace device to a judge of the superior court ~~for the circuit wherein the pen~~  
19 ~~register or trap and trace device is to be installed and used, and the superior~~ and said court  
20 ~~for that circuit~~ is authorized to enter an order authorizing the use of a pen register or a trap  
21 and trace device, to the extent the same is consistent with and permitted by the laws of the  
22 United States."

23 **SECTION 2.**

24 This Act shall become effective upon its approval by the Governor or upon its becoming law  
25 without such approval.

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**SECTION 3.**

2 All laws and parts of laws in conflict with this Act are repealed.