

The House Committee on Judiciary Non-Civil offers the following substitute to SB 269:

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 certain
6 superior court judges may authorize such use; to provide for related matters; to provide an
7 effective 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 of the same judicial circuit as the
19 District Attorney, or, in the case of the Attorney General, in any judicial circuit; for the
20 circuit wherein the pen register or trap and trace device is to be installed and used, and the
21 superior and said court for that circuit is authorized to enter an order authorizing the use
22 of a pen register or a trap and trace device, to the extent the same is consistent with and
23 permitted by the laws of the United States."

1 **SECTION 2.**

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

4 **SECTION 3.**

5 All laws and parts of laws in conflict with this Act are repealed.