

Senate Bill 366

By: Senators Grant of the 25th, Hamrick of the 30th, Bulloch of the 11th, Hill of the 4th and Goggans of the 7th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-5-18 of the Official Code of Georgia Annotated, relating to
2 giving weapons, intoxicants, drugs, or other items to inmates without the consent of the
3 warden or superintendent, so as to prohibit inmates from receiving or possessing
4 telecommunications devices; to establish that providing a telecommunications device to an
5 inmate and possession of such device by an inmate shall be a felony; to provide a definition;
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 42-5-18 of the Official Code of Georgia Annotated, relating to giving weapons,
10 intoxicants, drugs, or other items to inmates without the consent of the warden or
11 superintendent, is amended as follows:

12 "42-5-18.

13 (a) As used in this Code section, the term 'telecommunications device' means a device, an
14 apparatus associated with a device, or a component of a device that enables, or may be used
15 to enable, communication with a person outside a prison, institution, or other place of
16 incarceration, including a telephone, a cellular telephone, a personal digital assistant, a
17 transmitting radio, or a computer connected or capable of being connected to a computer
18 network, by wireless or other technology, or otherwise capable of communicating with a
19 person or device outside of a prison, institution, or other place of incarceration.

20 (b) It shall be unlawful for any person to obtain, to procure for, or to give to an inmate a
21 gun, pistol, or any other weapon, any intoxicating liquor, amphetamines, biphetamines, or
22 any other hallucinogenic drugs or other drugs, regardless of the amount, any
23 telecommunications device, or any other article or item, without the knowledge and
24 consent of the warden, superintendent, or his or her designated representative.

25 ~~(b)(c) Any~~ It shall be unlawful for an inmate found to be in possession of to possess a gun,
26 pistol, or any other weapon, any intoxicating liquor, amphetamines, biphetamines, or any

1 other hallucinogenic drugs or other drugs, regardless of the amount, a telecommunications
2 device, or any other item ~~given to said inmate in violation of subsection (a) of this Code~~
3 ~~section shall be prosecuted as set forth in Code Section 42-5-19~~ without the knowledge and
4 consent of the warden, superintendent, or his or her designated representative.

5 (d) This Code section shall apply to any inmate incarcerated in this state, including an
6 inmate incarcerated in a federal, state, local, or privately operated facility."

7 **SECTION 2.**

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