

House Bill 1148

By: Representatives Jackson of the 161st, Gordon of the 162nd, Williams of the 165th, Mitchell of the 88th, Heard of the 114th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
2 relating to invasions of privacy, so as to define certain terms; to provide that under certain
3 conditions a court may issue an investigation warrant requiring a telecommunication
4 company to provide the location of a telecommunication device; to provide for the scope of
5 such warrant; to provide for immunity; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to
9 invasions of privacy, is amended by adding a new Code section to read as follows:

10 "16-11-64.4.

11 (a) As used in this Code section, the term:

12 (1) 'Crime in progress' means a crime which is presently occurring or is in the initial
13 phase of investigation not later than 48 hours after the first event of the crime occurred.

14 (2) 'Emergency situation' means a situation involving the immediate danger of death or
15 serious physical injury to any person.

16 (b) Upon written application, under oath, of the prosecuting attorney having jurisdiction
17 over prosecution of the crime under investigation, or the Attorney General, made before
18 a judge of superior court, said court may issue an investigation warrant ordering a
19 telecommunication company to track and disclose the location of a specific wireless
20 telecommunication device, including without limitation a cell phone or computer, which
21 is linked to the perpetrator or victim of a crime in progress or an emergency situation.
22 Such warrant shall be limited in scope and duration to the purpose of locating the position
23 of such perpetrator or victim.

24 (c) Evidence obtained in conformity with this part shall be admissible only in the courts
25 of this state having felony and misdemeanor jurisdiction.

1 (d) A good faith reliance on a court order pursuant to this Code section shall constitute a
2 complete defense to any civil or criminal action brought under this part or under any other
3 law."

4 **SECTION 2.**

5 All laws and parts of laws in conflict with this Act are repealed.