

The House Committee on Judiciary Non-civil offers the following substitute to HB 55:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to wiretapping, eavesdropping, surveillance, and related offenses, so as
3 to change provisions relating to interception of wire or oral transmissions by law
4 enforcement officers; to change provisions relating to the application and issuance of orders
5 authorizing installation and use of pen register and trap and trace device; to provide for
6 related matters; to provide for an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
11 relating to wiretapping, eavesdropping, surveillance, and related offenses, is amended by
12 revising subsection (c) of Code Section 16-11-64, relating to interception of wire or oral
13 transmissions by law enforcement officers, as follows:

14 "(c) Upon written application, under oath, of the ~~prosecuting~~ district attorney having
15 jurisdiction over prosecution of the crime under investigation; or the Attorney General;
16 made before a judge of superior court having jurisdiction over the crime under
17 investigation, ~~said~~ such court may issue an investigation warrant permitting the use of ~~such~~
18 a device, ~~as defined in Code Section 16-11-60~~, for the surveillance of ~~such~~ a person or
19 place to the extent the same is consistent with and subject to the terms, conditions, and
20 procedures provided for by ~~Chapter 119 of Title 18 of the United States Code Annotated,~~
21 ~~as amended~~ 18 U.S.C. Chapter 119. Such warrant shall have state-wide application and
22 interception of communications shall be permitted in any location in this state."

