

House Bill 55 (COMMITTEE SUBSTITUTE)

By: Representatives Golick of the 40<sup>th</sup>, Ramsey of the 72<sup>nd</sup>, Atwood of the 179<sup>th</sup>, Pak of the 108<sup>th</sup>, Coomer of the 14<sup>th</sup>, and others

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."

23 **SECTION 2.**

24 Said part is further amended by revising Code Section 16-11-64.1, relating to the application  
25 and issuance of orders authorizing installation and use of pen register and trap and trace  
26 device, as follows:

27 "16-11-64.1.

28 Any district attorney having jurisdiction over the prosecution of the crime under  
29 investigation or the Attorney General is authorized to make application for an order or an  
30 extension of an order authorizing or approving the installation and use of a pen register or  
31 a trap and trace device to a judge of the superior court of the same judicial circuit as the  
32 district attorney, or, in the case of the Attorney General, in any judicial circuit; and ~~said~~  
33 such court is shall be authorized to enter an order authorizing the use of a pen register or  
34 a trap and trace device, to the extent the same is consistent with and permitted by the laws  
35 of the United States. Such order shall have state-wide application and the interception by  
36 use of a pen register or trap and trace device shall be permitted in any location in this state."

37 **SECTION 3.**

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

40 **SECTION 4.**

41 All laws and parts of laws in conflict with this Act are repealed.