

House Bill 55 (AS PASSED HOUSE AND SENATE)

By: Representatives Golick of the 40th, Ramsey of the 72nd, Atwood of the 179th, Pak of the 108th, Coomer of the 14th, 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.