

House Bill 350

By: Representatives Powell of the 32<sup>nd</sup>, Williams of the 145<sup>th</sup>, Mathiak of the 73<sup>rd</sup>, and Lumsden of the 12<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions,  
2 so as to add tobacco to the list of items and substances that a person is prohibited from  
3 bringing within the guard lines established at state or county correctional institutions; to  
4 make it unlawful for inmates to possess a stored value card and certain characteristics of  
5 stored value cards; to make it unlawful to obtain or procure for or to give an inmate such  
6 information; to provide for criminal penalties; to revise circumstances in which a prisoner  
7 is limited in filing actions in forma pauperis; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
12 by revising Code Section 42-5-15, relating to crossing of guard lines with weapons,  
13 intoxicants, or drugs without consent of warden or superintendent, as follows:

14 "42-5-15.

15 (a) It shall be unlawful for any person to come inside the guard lines established at any  
16 state or county correctional institution with a gun, pistol, or any other weapon or with or  
17 under the influence of any tobacco, intoxicating liquor, amphetamines, biphetamines, or  
18 any other hallucinogenic or other drugs, without the knowledge or consent of the warden,  
19 superintendent, or his or her designated representative.

20 (b) Any person who violates this Code section shall be guilty of a felony and, upon  
21 conviction thereof, shall be punished by imprisonment for not less than one year nor more  
22 than four years."

23 **SECTION 2.**

24 Said title is further amended in Code Section 42-5-18, relating to items prohibited for  
25 possession by inmates, warden's authorization, and penalty, by adding a new subsection to  
26 read as follows:

27 "(e)(1) It shall be unlawful for an inmate to possess a stored value card, the account  
28 number of a stored value card, or the personal identification number of a stored value  
29 card.

30 (2) It shall be unlawful for any person to obtain for, to procure for, or to give an inmate  
31 a stored value card, the account number of a stored value card, or the personal  
32 identification number of a stored value card.

33 (3) A person who commits a violation of this subsection shall be guilty of a felony and,  
34 upon conviction thereof, shall be sentenced to a term of imprisonment of not less than one  
35 nor more than 10 years."

36 **SECTION 3.**

37 Said title is further amended by revising Code Section 42-12-7.2, relating to number of forma  
38 pauperis actions limited, as follows:

39 "42-12-7.2.

40 In no event shall a prisoner file any action or appeal in forma pauperis in any court of this  
41 state if the prisoner has, on three or more prior occasions while he or she was incarcerated  
42 or detained in any facility, filed any action in any court of this state or of the United States  
43 that was subsequently dismissed on the grounds that such action was frivolous or  
44 malicious, or that failed to state a claim upon which relief could be granted, unless the  
45 prisoner is under imminent danger of serious physical injury."

46 **SECTION 4.**

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