

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 350:

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 intoxicating liquor, amphetamines, biphphetamines, or any other
18 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 style="text-align:center">**SECTION 2.**

24 Said title is further amended by adding a new Code section to read as follows:

25 "42-5-15.1.

26 (a) It shall be unlawful for any person to come inside the guard lines established at any
 27 state or county correctional institution with tobacco without the knowledge or consent of
 28 the warden, superintendent, or his or her designated representative.

29 (b) For a first offense of violating this Code section, such person shall be guilty of a
 30 misdemeanor of a high and aggravated nature and upon the second and each subsequent
 31 offense shall be guilty of a felony and, upon conviction thereof, shall be punished by
 32 imprisonment for not less than one year nor more than four years.

33 (c) Notwithstanding subsections (a) and (b) of this Code section, no person who is not an
 34 inmate shall be guilty of violating this Code section, unless:

35 (1) Prior to screening and at a screening checkpoint, the state or county correctional
 36 institution individually informed such person of the unlawful nature of the possession of
 37 tobacco within the guard lines; or

38 (2) Such person is notified at the screening checkpoint that he or she is in possession of
 39 tobacco; and

40 (3) After being so individually informed or notified, such person does not immediately
 41 leave the confines of the guard lines to rid himself or herself of the tobacco."

42 **SECTION 3.**

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

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

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

52 (3) A person who commits a violation of this subsection shall be guilty of a felony and,
 53 upon conviction thereof, shall be sentenced to a term of imprisonment of not less than one
 54 nor more than ten years, unless the judge imposes a misdemeanor sentence pursuant to
 55 Code Section 17-10-5."

56 **SECTION 4.**

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

59 "42-12-7.2.

60 In no event shall a prisoner file any action in forma pauperis in any court of this state if the
61 prisoner has, on three or more prior occasions while he or she was incarcerated or detained
62 in any facility, filed any action in any court of this state or of the United States that was
63 ~~subsequently~~ dismissed on the grounds that such action was frivolous or malicious, unless
64 the prisoner is under imminent danger of serious physical injury."

65 **SECTION 5.**

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