

House Bill 1270

By: Representatives Hitchens of the 161<sup>st</sup>, Crowe of the 118<sup>th</sup>, McDonald III of the 26<sup>th</sup>, Lumsden of the 12<sup>th</sup>, and Werkheiser of the 157<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to searches with warrants, so as to provide for the installation and use of mobile  
3 tracking devices by law enforcement; to provide a procedure for obtaining court  
4 authorization for such installation and use; to provide for the scope of such installation and  
5 use; to provide for legal standards; to provide for definitions; to provide for related matters;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to  
10 searches with warrants, is amended by adding a new Code section to read as follows:

11 "17-5-33.

12 (a) As used in this Code section, the term:

13 (1) 'Court of competent jurisdiction' means a judge of the superior court of this state or  
14 a judge authorized to act on behalf of a superior court of this state.

15 (2) 'Jurisdiction of the issuing court' means the geographic boundaries of the judicial  
16 circuit in which a court of competent jurisdiction is located.

17 (3) 'Mobile tracking device' means an electronic or mechanical device that permits the  
18 tracking of the movement of a person, object, or vehicle.

19 (b) Any person authorized to apply for a search warrant as set forth in Code  
20 Section 17-5-20 shall be authorized to apply to a court of competent jurisdiction for an  
21 order authorizing the installation and use of a mobile tracking device in accordance with  
22 this Code section.

23 (c) An application under subsection (b) of this Code section shall include:

24 (1) A statement of the identity of the applicant and the law enforcement agency  
25 conducting the investigation that requires the use of a mobile tracking device;

26 (2) Certification by the applicant, under oath or affirmation, stating facts sufficient to  
27 show probable cause that a crime is being committed or has been committed, and that the  
28 information likely to be obtained by the mobile tracking device is relevant to an ongoing  
29 criminal investigation;

30 (3) A statement of the offense or offenses to which the information likely to be obtained  
31 relates; and

32 (4) Where applicable, a statement that it will be necessary to use and monitor the mobile  
33 tracking device outside the jurisdiction of the issuing court.

34 (d) Upon a finding by a court of competent jurisdiction that an application for installation  
35 and use of a mobile tracking device meets the requirements of subsection (c) of this Code  
36 section, such court may enter an ex parte order authorizing the installation and use of a  
37 mobile tracking device for a specified period of time. Such order may authorize  
38 installation of a mobile tracking device within the jurisdiction of the issuing court and may  
39 further authorize the use of such device, including the collection of data by such device,  
40 in any jurisdiction of this state.

41 (e) The standards established by the United States Supreme Court for the installation and  
42 use of mobile tracking devices shall apply to the installation and use of such devices under  
43 this Code section."

44

**SECTION 2.**

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