

The Senate Committee on Public Safety offered the following substitute to SB 159:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding correctional institutions of states and counties, so as  
3 to prohibit wireless communications and stand-alone electronic devices behind guard lines;  
4 to provide for penalties; to provide for definitions; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to  
9 general provisions regarding correctional institutions of states and counties, is amended by  
10 revising Code Section 42-5-15, relating to crossing of guard lines with weapons, intoxicants,  
11 or drugs without consent of warden or superintendent, as follows:

12 "42-5-15.

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

14 (1) 'Correctional officer' means any person who is authorized to exercise the power of  
15 arrest and who is employed or appointed by the department, the Department of

16 Community Supervision, by the State Board of Pardons and Paroles, or by a local  
17 government as a law enforcement officer for a jail or other detention center.

18 (2) 'Stand-alone electronic device' means a device other than a wireless  
19 telecommunications device which stores audio or video data files to be retrieved on  
20 demand by a user.

21 (3) 'Wireless telecommunications device' means a cellular telephone, a portable  
22 telephone, a text-messaging device, a personal digital assistant, a stand-alone computer,  
23 a global positioning system receiver, or substantially similar portable wireless device that  
24 is used to initiate or receive communication, information, or data. Such term shall not  
25 include a radio, citizens band radio, citizens band radio hybrid, commercial two-way  
26 radio communication device or its functional equivalent, subscription based emergency  
27 communication device, prescribed medical device, amateur or ham radio device, or  
28 in-vehicle security, navigation, or remote diagnostics system.

29 (b) It shall be unlawful for any person to come inside the guard lines established at any  
30 state or county correctional institution with a gun, pistol, or any other weapon or with or  
31 under the influence of any intoxicating liquor, amphetamines, biphedamines, or any other  
32 hallucinogenic or other drugs, without the knowledge or consent of the warden,  
33 superintendent, or his or her designated representative.

34 (~~b~~)(c) It shall be unlawful for any person to come inside the guard lines established at any  
35 state or county correctional institution with a wireless telecommunications device or a  
36 stand-alone electronic device, without the knowledge or consent of the warden,  
37 superintendent, or his or her designated representative.

38 (d)(1) Any person other than a correctional officer who violates subsection (c) of this  
39 Code section shall be guilty of a felony.

40 (2) Any person who violates subsection (b) of this Code section, and any correctional  
41 officer who violates subsection (c) of this Code section, shall be guilty of a felony and,  
42 upon conviction thereof, shall be punished by imprisonment for not less than one year nor

43 ~~more than four years~~ a minimum term of imprisonment of ten years, which may be  
44 suspended, stayed, probated, deferred, or withheld by the sentencing court."

45 **SECTION 2.**

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