

Senate Bill 159

By: Senators Robertson of the 29th, Albers of the 56th, Dugan of the 30th, Kirkpatrick of the 32nd and Walker III of the 20th

AS PASSED SENATE

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, biphetamines, 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 punishable by imprisonment for not less than one
40 year nor more than ten years.

41 (2) Any person who violates subsection (b) of this Code section, and any correctional
42 officer who violates subsection (c) of this Code section, shall be guilty of a felony and,

43 upon conviction thereof, shall be punished by imprisonment for ~~not less than one year nor~~
44 ~~more than four years~~ a minimum term of imprisonment of ten years, which may be
45 suspended, stayed, probated, deferred, or withheld by the sentencing court."

46

SECTION 2.

47 All laws and parts of laws in conflict with this Act are repealed.