

1 A bill to be entitled
 2 An act relating to electronic monitoring devices;
 3 creating s. 843.23, F.S.; defining the term
 4 "electronic monitoring device"; prohibiting a person
 5 from removing, destroying, altering, tampering with,
 6 damaging, or circumventing the operation of an
 7 electronic monitoring device being worn or used
 8 pursuant to a court order or an order by the
 9 Commission on Offender Review; prohibiting the request
 10 or solicitation of a person to perform such an act;
 11 providing criminal penalties; amending s. 948.11,
 12 F.S.; specifying that the Department of Corrections
 13 may electronically monitor an offender sentenced to
 14 community control when the court has imposed
 15 electronic monitoring as a condition of community
 16 control; deleting a provision imposing criminal
 17 penalties on persons who intentionally alter, tamper
 18 with, damage, or destroy electronic monitoring
 19 equipment; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 843.23, Florida Statutes, is created to
 24 read:

25 843.23 Tampering with an electronic monitoring device.—
 26 (1) As used in this section, the term "electronic

27 monitoring device" includes any device that is used to track the
 28 location of a person.

29 (2) It is unlawful for a person to intentionally and
 30 without authority:

31 (a) Remove, destroy, alter, tamper with, damage, or
 32 circumvent the operation of an electronic monitoring device that
 33 must be worn or used by that person or another person pursuant
 34 to a court order or pursuant to an order by the Commission on
 35 Offender Review; or

36 (b) Request or solicit an individual to remove, destroy,
 37 alter, tamper with, damage, or circumvent the operation of an
 38 electronic monitoring device required to be worn or used
 39 pursuant to a court order or pursuant to an order by the
 40 Commission on Offender Review.

41 (3) A person who violates this section commits a felony of
 42 the third degree, punishable as provided in s. 775.082, s.
 43 775.083, or s. 775.084.

44 Section 2. Subsections (1) and (7) of section 948.11,
 45 Florida Statutes, are amended to read:

46 948.11 Electronic monitoring devices.—

47 (1) The Department of Corrections may, ~~at its discretion,~~
 48 electronically monitor an offender sentenced to community
 49 control when the court has imposed electronic monitoring as a
 50 condition of community control.

51 ~~(7) A person who intentionally alters, tampers with,~~
 52 ~~damages, or destroys any electronic monitoring equipment~~

CS/HB 75

2016

53 ~~pursuant to court or commission order, unless such person is the~~
54 ~~owner of the equipment, or an agent of the owner, performing~~
55 ~~ordinary maintenance and repairs, commits a felony of the third~~
56 ~~degree, punishable as provided in s. 775.082, s. 775.083, or s.~~
57 ~~775.084.~~

58 Section 3. This act shall take effect October 1, 2016.