

By Senator Simmons

10-00276-16

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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 any court order or an order by the Florida  
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

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30 without authority:

31 (a) Remove, destroy, alter, tamper with, damage, or  
32 circumvent the operation of an electronic monitoring device that  
33 the person is required to wear or use pursuant to any court  
34 order or pursuant to an order by the Florida Commission on  
35 Offender Review; or

36 (b) Request or solicit any other person 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 any court order or pursuant to an order by the  
40 Florida 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~~  
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.