

By the Committee on Criminal Justice; and Senator Simmons

591-02540-16

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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
10 request, authorization, or solicitation of a person to
11 perform such an act; providing criminal penalties;
12 amending s. 948.11, F.S.; specifying that the
13 Department of Corrections may electronically monitor
14 an offender sentenced to community control when the
15 court has imposed electronic monitoring as a condition
16 of community control; deleting a provision imposing
17 criminal penalties on persons who intentionally alter,
18 tamper 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 circumvent
32 the operation of an electronic monitoring device that must be

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33 worn or used by that person or another person pursuant to a
34 court order or pursuant to an order by the Florida Commission on
35 Offender Review; or

36 (b) Request, authorize, or solicit a person to remove,
37 destroy, alter, tamper with, damage, or circumvent the operation
38 of an electronic monitoring device required to be worn or used
39 pursuant to a court order or pursuant to an order by the Florida
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~~
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.