

By Senator Garcia

36-01555-25

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1 A bill to be entitled
2 An act relating to tampering with an electronic
3 monitoring device; amending s. 843.23, F.S.;
4 reclassifying the offense of tampering with an
5 electronic monitoring device to provide graduated
6 penalties; requiring termination of pretrial release
7 of a person who tampers with such a device while on
8 pretrial release; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 843.23, Florida Statutes, is amended to
13 read:

14 843.23 Tampering with an electronic monitoring device.—

15 (1) As used in this section, the term "electronic
16 monitoring device" includes any device that is used to track the
17 location of a person.

18 (2) It is unlawful for a person to intentionally and
19 without authority:

20 (a) Remove, destroy, alter, tamper with, damage, or
21 circumvent the operation of an electronic monitoring device that
22 must be worn or used by that person or another person pursuant
23 to a court order or pursuant to an order by the Florida
24 Commission on Offender Review; or

25 (b) Request, authorize, or solicit a person to remove,
26 destroy, alter, tamper with, damage, or circumvent the operation
27 of an electronic monitoring device required to be worn or used
28 pursuant to a court order or pursuant to an order by the Florida
29 Commission on Offender Review.

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30 (3) A person who violates this section commits a:

31 (a) Felony of the third degree, punishable as provided in
32 s. 775.082, s. 775.083, or s. 775.084, if the person is charged
33 with or serving a sentence for a misdemeanor.

34 (b) Felony of the second degree, punishable as provided in
35 s. 775.082, s. 775.083, or s. 775.084, if the person is charged
36 with or serving a sentence for a third degree felony.

37 (c) Felony of the first degree, punishable as provided in
38 s. 775.082, s. 775.083, or s. 775.084, if the person is charged
39 with or serving a sentence for a second degree felony.

40 (d) Felony of the first degree, punishable by a term of
41 years not exceeding life or as provided in s. 775.082, s.
42 775.083, or s. 775.084, if the person is charged with or serving
43 a sentence for a first degree felony or a first degree felony
44 punishable by a term of years not exceeding life.

45 (e) Life felony, punishable as provided in s. 775.082, s.
46 775.083, or s. 775.084, if the person is charged with or serving
47 a sentence for a life or capital felony.

48 (4) A person on pretrial release who commits a violation of
49 this section shall have his or her pretrial release terminated
50 and shall no longer be eligible for pretrial release for the
51 offenses for which he or she was on release.

52 Section 2. This act shall take effect October 1, 2025.