

ENROLLED

CS/CS/HB 75

2016 Legislature

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 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 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

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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 Florida
 35 Commission on 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~~

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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.