

By Senator Simmons

10-01059-15

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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.; providing a definition;  
4           prohibiting the removal, destruction, or circumvention  
5           of the operation of an electronic monitoring device  
6           being used by a person for specified purposes;  
7           prohibiting requesting or soliciting a person to  
8           perform such an act; providing criminal penalties;  
9           providing an effective date.

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

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13           Section 1. Section 843.23, Florida Statutes, is created to  
14 read:

15           843.23 Tampering with an electronic monitoring device.—

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

19           (2) It shall be unlawful for a person to knowingly and  
20 without authority:

21           (a) Remove, destroy, or circumvent the operation of an  
22 electronic monitoring device that is being used for the purpose  
23 of monitoring a person who is:

24           1. Complying with a home arrest program;

25           2. Wearing an electronic monitoring device as a condition  
26 of bond or pretrial release; or

27           3. Wearing an electronic device as a result of a court  
28 order for a protective injunction issued for domestic violence  
29 as defined by s. 741.30; repeat violence, sexual violence, or

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30 dating violence, as defined by s. 784.046; or a stalking  
31 injunction as defined by s. 784.048.

32 (b) Request or solicit any other person to remove, destroy,  
33 or circumvent the operation of an electronic monitoring device  
34 being used for a purpose described in paragraph (a).

35 (3) A person who violates this section commits a felony of  
36 the third degree, punishable as provided in s. 775.082, s.  
37 775.083, or s. 775.084.

38 Section 2. This act shall take effect October 1, 2015.