

By the Committee on Criminal Justice; and Senator Simmons

591-02095-15

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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;

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; or

32 4. On county probation.

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

36 (3) A person who violates this section commits a felony of
37 the third degree, punishable as provided in s. 775.082, s.
38 775.083, or s. 775.084.

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