

By the Committee on Criminal Justice; and Senator Simmons

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1 A bill to be entitled
2 An act relating to electronic monitoring devices;
3 amending s. 843.23, F.S.; specifying the jurisdictions
4 under which certain prohibited acts relating to
5 electronic monitoring devices may be prosecuted;
6 providing an effective date.

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

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10 Section 1. Section 843.23, Florida Statutes, is amended to
11 read:

12 843.23 Tampering with an electronic monitoring device.—

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

16 (2) It is unlawful for a person to intentionally and
17 without authority:

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

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

28 (3) A violation of this section may be prosecuted in:

29 (a) The jurisdiction of the court or authority that entered

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30 the order for electronic monitoring, regardless of where the
31 device is located as a result of any removal, destruction,
32 tampering, or damage;

33 (b) The jurisdiction where the electronic monitoring device
34 was located upon the discovery of its removal, destruction,
35 tampering, or damage; or

36 (c) The jurisdiction where the actual removal or
37 destruction of, tampering with, or damage to, the electronic
38 monitoring device occurred.

39 (4)~~(3)~~ A person who violates this section commits a felony
40 of the third degree, punishable as provided in s. 775.082, s.
41 775.083, or s. 775.084.

42 Section 2. This act shall take effect October 1, 2019.