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Chapter No. 415
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HOUSE BILL NO. 196

Originated in House Don Richardson Clerk

HOUSE BILL NO. 196

AN ACT TO AUTHORIZE THE USE OF A GLOBAL POSITIONING MONITORING SYSTEM AS A CONDITION OF BOND FOR A PERSON WHO IS A DEFENDANT IN A DOMESTIC VIOLENCE CASE; TO DEFINE CERTAIN TERMS; TO SPECIFY CONDITIONS OF SUCH BOND; TO REQUIRE THE COURT TO PROVIDE CERTAIN INFORMATION TO THE VICTIM OF THE DOMESTIC VIOLENCE CASE; TO PROVIDE FOR THE USE OF THE SYSTEM; TO PROVIDE THAT THE VICTIM MAY REQUEST THAT THE USE OF THE SYSTEM BE TERMINATED; TO ADDRESS INDIGENCY IN THE USE OF SUCH SYSTEMS; TO PROVIDE THAT A BOND ISSUED WITH THE CONDITIONS PROVIDED IN THIS ACT SHALL BE SUPPLEMENTAL TO OTHER BONDS PROVIDED BY LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) (a) "Domestic violence" has the same meaning as the term "abuse" as defined in Section 93-21-3.

(b) "Global positioning monitoring system" means a system that electronically determines and reports the location of an individual through the use of a transmitter or similar device carried or worn by the individual that transmits latitude and longitude data to a monitoring entity through global positioning satellite technology. The term does not include a system that contains or operates global positioning system technology, radio frequency identification technology or any other similar technology that is implanted in or otherwise invades or violates the individual's body.

(2) The court may require as a condition of release on bond that a defendant charged with an offense involving domestic violence:

(a) Refrain from going to or near a residence, school, place of employment, or other location, as specifically described in the bond, frequented by an alleged victim of the offense;

(b) Carry or wear a global positioning monitoring system device and, except as provided by subsection (8), pay the costs associated with operating that system in relation to the defendant; or

(c) If the alleged victim of the offense consents after receiving the information described by subsection (4) and, except as provided by subsection (8), pay the costs associated with providing the victim with an electronic receptor device that:

(i) Is capable of receiving the global positioning monitoring system information from the device carried or worn by the defendant; and

(ii) Notifies the victim if the defendant is at or near a location that the defendant has been ordered to refrain from going to or near under paragraph (a).

(3) Before imposing a condition described by subsection (2)(a), the court must afford an alleged victim an opportunity to provide the court with a list of areas from which the victim would like the defendant excluded and shall consider the victim's request, if any, in determining the locations the defendant will be ordered to refrain from going to or near. If the court imposes a condition described by subsection (2)(a), the court shall specifically describe the locations that the defendant has been ordered to refrain from going to or near and the minimum distances, if any, that the defendant must maintain from those locations.

(4) Before imposing a condition described by subsection (2)(c), the court must provide to an alleged victim information regarding:

(a) The victim's right to participate in a global positioning monitoring system or to refuse to participate in that system and the procedure for requesting that the court terminate the victim's participation;

(b) The manner in which the global positioning monitoring system technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the victim's location and movements;

(c) Any locations that the defendant is ordered to refrain from going to or near and the minimum distances, if any, that the defendant must maintain from those locations;

(d) Any sanctions that the court may impose on the defendant for violating a condition of bond imposed under this section;

(e) The procedure that the victim is to follow, and support services available to assist the victim, if the defendant violates a condition of bond or if the global positioning monitoring system equipment fails;

(f) Community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other assistance available to address the consequences of domestic violence; and

(g) The fact that the victim's communications with the court concerning the global positioning monitoring system and any restrictions to be imposed on the defendant's movements are not confidential.

(5) In addition to the information described by subsection (4), the court shall provide to an alleged victim who participates in a global positioning monitoring system under this section the name and telephone number of an appropriate person employed by a local law enforcement agency who the victim may call to request immediate assistance if the defendant violates a condition of bond imposed under this section.

(6) In determining whether to order a defendant's participation in a global positioning monitoring system under this section, the court shall consider the likelihood that the defendant's participation will deter the defendant from seeking to

kill, physically injure, stalk, or otherwise threaten the alleged victim before trial.

(7) An alleged victim may request that the court terminate the victim's participation in a global positioning monitoring system at any time. The court may not impose sanctions on the victim for requesting termination of the victim's participation in or refusing to participate in a global positioning monitoring system under this section.

(8) The court may allow a defendant to perform community service in lieu of paying the costs required by subsection (2)(b) or (c) if the court determines that the defendant is indigent.

(9) The court that imposes a condition described by subsection (2)(a) or (b) shall order the entity that operates the global positioning monitoring system to notify the court and the appropriate local law enforcement agency if a defendant violates a condition of bond imposed under this section.

(10) This section does not limit the authority of the court to impose any other reasonable conditions of bond or enter any orders of protection under other applicable statutes.

SECTION 2. This act shall take effect and be in force from and after July 1, 2011.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 10, 2011

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 3, 2011

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

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