

By: Representatives Jones (111th), Gardner

To: Judiciary B

HOUSE BILL NO. 196
(As Sent to Governor)

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

