

# 1st Sub. H.B. 158

## Unlawful Tracking Amendments

Representative **Matt MacPherson** proposes the following amendments:

1. *Line 54 through 62:*

54 section.

55 (2) ~~[Except as provided in Subsection (4), an]~~An actor commits unlawful [installation]use  
56 of a tracking device or tracking application if ~~the actor knowingly~~];

57 (a) (i) ~~[-]the actor~~ { knowingly } intentionally installs or places, or directs another to install or  
58 place, a

59 tracking device on or in a motor vehicle owned or leased by another ~~[person,]~~

60 { individual } person; and

61 (ii) the actor:

62 (A) ~~[-without the]~~did not receive permission [of]from the owner or lessee of the  
motor vehicle[-] to install or place the tracking device; or

2. *Line 64 through 70:*

64 owner's or lessee's movement after the owner or lessee revoked the owner's or

65 lessee's permission for the actor to use the tracking device and the actor knew

66 that the owner or lessee had revoked the owner's or lessee's permission;

67 (b) (i) the actor { knowingly } intentionally places, or directs another to place, a tracking  
device:

68 (A) on an individual's person;

69 (B) on or in an individual's tangible personal property; or

70 (C) on or in tangible personal property under the physical control of an individual;

3. *Line 75 through 81:*

75 individual's movement after the individual revoked the individual's permission

76 for the actor to use the tracking device and the actor knew that the individual

77 had revoked the individual's permission; or

78 (c) (i) the actor { knowingly } intentionally uses a tracking application installed or otherwise  
used on

79 an electronic or other device in the possession or control of an individual to track

80 the individual's movement; and

81 (ii) the actor:

4. Line 113 through 119:

113 movement; and

114 (ii) who has received permission from any other parent or legal guardian of the minor

115 to install or place the tracking device or use the tracking application;

**(c) an individual who was a parent or legal guardian of a minor if:**

**(i) the individual installed or placed a tracking device as described in Subsection (5)(b);**

**(ii) the minor described in Subsection (5)(b) is now 18 years old or older; and**

**(iii) the individual has not been expressly informed by the former minor that the actor does not have permission to continue to use the tracking device or tracking application;**

116 {(e)} (d) a caregiver of a vulnerable adult:

117 (i) who installs or places a tracking device on the vulnerable adult's person, on or in

118 the vulnerable adult's tangible personal property, on or in tangible personal

119 property under the physical control of the vulnerable adult, or on or in a motor

5. Line 120 through 128:

120 vehicle owned or leased by the vulnerable adult; or

121 (ii) who uses a tracking application installed or otherwise used on an electronic or

122 other device in the possession or control of the vulnerable adult to track the

123 vulnerable adult's movement; {~~and~~}

124 {(d)} (e) an individual who installs, places, or uses a tracking application at the direction of a

125 court order {;} ; or

**(f) a peace officer who obtains information in accordance with Section 53-10-104.5.**

126 (6) (a) Before installing or placing a tracking device on a motor vehicle under Subsection

127 (4), a private investigator shall request confirmation from a state entity with access to

128 updated protective order records, that: