

Representative Wayne A. Harper proposes the following substitute bill:

RADIO FREQUENCY IDENTIFICATION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

Senate Sponsor: Wayne L. Niederhauser

LONG TITLE

General Description:

This bill modifies the Interception of Communications Act in the Utah Code of Criminal Procedure by adding an offense relating to implantation of a radio frequency identification tag in a person.

Highlighted Provisions:

This bill:

► provides criminal and civil penalties for requiring, coercing, or compelling a person to undergo the subcutaneous implanting of a radio frequency identification tag.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

77-23a-4.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **77-23a-4.5** is enacted to read:



26 77-23a-4.5. Implanting an electronic identification device -- Penalties.

27 (1) A person may not require, coerce, or compel any other individual to undergo or
28 submit to the subcutaneous implanting of a radio frequency identification tag.

29 (2) Any person who violates Subsection (1) is guilty of a class A misdemeanor.

30 (3) (a) A person who is implanted with a subcutaneous identification device in
31 violation of Subsection (1) may bring a civil action in any court of competent jurisdiction for
32 actual damages, compensatory damages, punitive damages, injunctive relief, or any
33 combination of these.

34 (b) The initial civil penalty may not be more than \$10,000, and no more than \$1,000
35 for each day the violation continues until the electronic identification device is removed or
36 disabled.