

**Senator Todd Weiler** proposes the following substitute bill:

**UNLAWFUL INSTALLATION OF A TRACKING DEVICE**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marie H. Poulson**

Senate Sponsor: Kirk A. Cullimore

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**LONG TITLE**

**General Description:**

This bill imposes criminal penalties for installing a tracking device under certain circumstances without proper authorization.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ makes it a class A misdemeanor for a person to unlawfully install a tracking device;

and

- ▶ describes the circumstances under which a peace officer is not governed under the provisions of this bill.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-9-408**, Utah Code Annotated 1953

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

27 Section 1. Section **76-9-408** is enacted to read:

28 **76-9-408. Unlawful installation of a tracking device.**

29 (1) As used in this section:

30 (a) "Motor vehicle" means the same as that term is defined in Subsection

31 [41-12a-103\(4\)](#).

32 (b) "Protective order" means a protective order, stalking injunction, or restraining order  
33 issued by a court of any jurisdiction.

34 (c) (i) "Tracking device" means a device used for the primary purpose of revealing the  
35 device's location or movement by the transmission or recording of an electronic signal.

36 (ii) "Tracking device" does not include location technology installed on a vehicle by  
37 the vehicle manufacturer or a commercial vehicle dealer that transmits electronic signals for the  
38 purpose of data collection, if the data collection is anonymized.

39 (2) A person is guilty of unlawful installation of a tracking device if the person  
40 knowingly installs, or directs another to install, a tracking device on a motor vehicle that is:

41 (a) owned or leased by a person who is under the protection of a protective order,  
42 without the written consent of the person who is under the protection of the protective order; or

43 (b) operated by an individual under the protection of a protective order who resides  
44 with, or is an immediate family member of, the owner or lessor of the motor vehicle.

45 (3) Unlawful installation of a tracking device is a class A misdemeanor.

46 (4) This section does not apply to a peace officer, acting in the peace officer's official  
47 capacity, who installs a tracking device on a motor vehicle in the course of a criminal  
48 investigation pursuant to a warrant, or pursuant to a court order.