

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

LONG TITLE

General Description:

This bill imposes criminal penalties for installing a tracking device 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



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) "Private investigator" means an individual who is:

33 (i) licensed as a private investigator under Title 53, Chapter 9, Private Investigator

34 Regulation Act; and

35 (ii) acting in the capacity of a private investigator.

36 (c) "Protective order" means a protective order, stalking injunction, or restraining order

37 issued by a court of any jurisdiction.

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

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

43 (2) Except as provided in Subsection (3), a person is guilty of unlawful installation of a
44 tracking device if the person knowingly installs, or directs another to install, a tracking device
45 on a motor vehicle owned or leased by another person, without the permission of the owner or
46 lessor of the vehicle.

47 (3) A person is not guilty of unlawful installation of a tracking device if the person:

48 (a) (i) is a licensed private investigator installing the tracking device for a legitimate
49 business purpose; and

50 (ii) installs the tracking device on a motor vehicle that is not:

51 (A) owned or leased by an individual under the protection of a protective order; or

52 (B) operated by an individual under the protection of a protective order who resides
53 with, or is an immediate family member of, the owner or lessor of the motor vehicle; or

54 (b) installs the tracking device pursuant to a court order.

55 (4) Unlawful installation of a tracking device is a class A misdemeanor.

56 (5) This section does not apply to a peace officer, acting in the peace officer's official

57 capacity, who installs a tracking device on a motor vehicle in the course of a criminal
58 investigation or pursuant to a court order.