

HB0223S04 compared with HB0223

~~{deleted text}~~ shows text that was in HB0223 but was deleted in HB0223S04.

Inserted text shows text that was not in HB0223 but was inserted into HB0223S04.

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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 ~~{or licensed private investigator}~~ 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

HB0223S04 compared with HB0223

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-9-408, Utah Code Annotated 1953

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

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

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

(1) As used in this section:

(a) "Motor vehicle" means the same as that term is defined in Subsection 41-12a-103(4).

(b) "Private investigator" means an individual who is:

(i) licensed as a private investigator under Title 53, Chapter 9, Private Investigator Regulation Act; and

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

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

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

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

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

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

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

HB0223S04 compared with HB0223

(ii) installs the tracking device on a motor vehicle;

~~(a) (i) with the consent of;~~ that is not:

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

(B) operated by an individual under the protection of a protective order who resides

with, or is an immediate family member of, the owner or ~~lessee~~ lessor of the motor vehicle;

or

~~(ii) if the person is a private investigator, with the written consent of the owner or lessee of the motor vehicle;~~

~~(b) under the direction of an individual whom the person reasonably believes to be a peace officer authorized to install;~~ b) installs the tracking device ~~in the course of a criminal investigation or pursuant to a court order; or~~

~~(c) pursuant to a court order.~~

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

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