

19100048D

1 **HOUSE BILL NO. 2412**

2 Offered January 9, 2019

3 Prefiled January 8, 2019

4 A *BILL to amend and reenact § 18.2-60.5 of the Code of Virginia, relating to the use of electronic*  
5 *tracking devices; consent of fleet vehicle operator.*

6 Patron—Adams, L.R.

7 Referred to Committee for Courts of Justice

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 18.2-60.5 of the Code of Virginia is amended and reenacted as follows:**10 **§ 18.2-60.5. Unauthorized use of electronic tracking device; penalty.**11 A. Any person who installs or places an electronic tracking device through intentionally deceptive  
12 means and without consent, or causes an electronic tracking device to be installed or placed through  
13 intentionally deceptive means and without consent, and uses such device to track the location of any  
14 person is guilty of a Class 3 misdemeanor.15 B. The provisions of this section shall not apply to the installation, placement, or use of an electronic  
16 tracking device by:17 1. A law-enforcement officer, judicial officer, probation or parole officer, or employee of the  
18 Department of Corrections when any such person is engaged in the lawful performance of official duties  
19 and in accordance with other state or federal law;20 2. The parent or legal guardian of a minor when tracking (i) the minor or (ii) any person authorized  
21 by the parent or legal guardian as a caretaker of the minor at any time when the minor is under the  
22 person's sole care;

23 3. A legally authorized representative of an incapacitated adult, as defined in § 18.2-369;

24 4. The owner of fleet vehicles, *with consent of the vehicle operator*, when tracking such vehicles;25 5. An electronic communications provider to the extent that such installation, placement, or use is  
26 disclosed in the provider's terms of use, privacy policy, or similar document made available to the  
27 customer; or28 6. A registered private investigator, as defined in § 9.1-138, who is regulated in accordance with  
29 § 9.1-139 and is acting in the normal course of his business and with the consent of the owner of the  
30 property upon which the electronic tracking device is installed and placed. However, such exception  
31 shall not apply if the private investigator is working on behalf of a client who is subject to a protective  
32 order under § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, 19.2-152.10, or  
33 subsection B of § 20-103, or if the private investigator knows or should reasonably know that the client  
34 seeks the private investigator's services to aid in the commission of a crime.

35 C. For the purposes of this section:

36 "Electronic tracking device" means an electronic or mechanical device that permits a person to  
37 remotely determine or track the position and movement of another person.38 "Fleet vehicle" means (i) one or more motor vehicles owned by a single entity and operated by  
39 employees or agents of the entity for business or government purposes, (ii) motor vehicles held for lease  
40 or rental to the general public, or (iii) motor vehicles held for sale by motor vehicle dealers.

INTRODUCED

HB2412