

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving wiretapping, eavesdropping, unauthorized surveillance, and related activities, so as to prohibit the electronic tracking of the location or movement of another person without such other person's consent; to provide for exceptions; to provide for punishment; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving wiretapping, eavesdropping, unauthorized surveillance, and related activities, is amended by inserting a new Code section as follows:

"16-11-62.1.

(a) Except as otherwise provided in this Code section, no person shall use an electronic tracking device to determine the location or movement of another person without such other person's consent.

(b) This Code section shall not apply when the registered owner, lessor, or lessee of a vehicle has consented to the use of the electronic tracking device with respect to that vehicle.

(c) This Code section shall not apply to:

(1) Actions of an official law enforcement agency;

(2) Actions of United States military personnel in the performance of their official duties;

(3) Actions of a parent or person in loco parentis with respect to determining the location or movement of his or her child; or

(4) The provision of a commercial service such as mobile telephone service or vehicle safety or security service which incidentally allows the provider of the service to

determine the location or movement of a device provided to a customer of the commercial service.

(d) As used in Code section, the term 'electronic tracking device' means any device that reveals its location or movement by the transmission of electronic signals.

(e) Any person violating this Code section shall upon conviction be guilty of a misdemeanor of a high and aggravated nature."

SECTION 2.

This Act shall become effective on July 1, 2009, and shall apply with respect to conduct on and after that date.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.