

## House Bill 16

By: Representatives Levitas of the 82<sup>nd</sup>, Lunsford of the 110<sup>th</sup>, Wilkinson of the 52<sup>nd</sup>, Jerguson of the 22<sup>nd</sup>, Glanton of the 76<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "16-11-62.1.

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

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

19 (c) This Code section shall not apply to:

20 (1) Actions of an official law enforcement agency;

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

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

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

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

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

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

32 **SECTION 2.**

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

35 **SECTION 3.**

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