

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 159 Session of 2023

INTRODUCED BY LANGERHOLC, ROBINSON, MARTIN, LAUGHLIN, PHILLIPS-HILL, DUSH, J. WARD, STEFANO, COSTA, SANTARSIERO, SCHWANK, COMITTA, KANE, CAPPELLETTI AND BREWSTER, JANUARY 19, 2023

REFERRED TO JUDICIARY, JANUARY 19, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
 2 Consolidated Statutes, in assault, providing for the offense  
 3 of unauthorized use of an electronic tracking device; and  
 4 providing for penalties.

5 The General Assembly of the Commonwealth of Pennsylvania  
 6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated  
 8 Statutes is amended by adding a section to read:

9 § 2709.2. Unauthorized use of an electronic tracking device.

10 (a) Offense defined.--A person commits the offense of  
 11 unauthorized use of an electronic tracking device when the  
 12 person installs or places an electronic tracking device without  
 13 consent, or causes an electronic tracking device to be installed  
 14 or placed without consent, and uses the electronic tracking  
 15 device to track the location of another person within this  
 16 Commonwealth.

17 (b) Exceptions.--The provisions of this section shall not  
 18 apply to the installation, placement or use of an electronic

1 tracking device by:

2 (1) An investigative officer, law enforcement officer or  
3 agency while conducting an investigation, when the officer or  
4 agency is engaged in the lawful performance of official  
5 duties and in accordance with other Federal and State laws.

6 (2) The parent or legal guardian of a minor when  
7 tracking:

8 (i) The minor.

9 (ii) A person authorized by the parent or legal  
10 guardian as a caretaker of the minor at any time when the  
11 minor is under the caretaker's sole care.

12 (3) A legally authorized guardian of an incapacitated  
13 person as defined in 20 Pa.C.S. § 5902 (relating to  
14 definitions).

15 (4) The owner of fleet vehicles, when tracking the  
16 owner's vehicles.

17 (5) An electronic communications provider to the extent  
18 that the installation, placement or use is disclosed in the  
19 provider's terms of use, privacy policy or similar document  
20 made available to the customer.

21 (c) Grading.--

22 (1) A first offense under this section constitutes a  
23 misdemeanor of the second degree.

24 (2) A second or subsequent offense under this section  
25 constitutes a misdemeanor of the first degree.

26 (d) Definitions.--As used in this section, the following  
27 words and phrases shall have the meanings given to them in this  
28 subsection unless the context clearly indicates otherwise:

29 "Electronic tracking device." An electronic or mechanical  
30 device that permits an individual to remotely determine or track

1 the position and movement of another individual.

2 "Fleet vehicle." One or more motor vehicles:

3 (1) owned by an entity and operated by an employee or  
4 agent of the entity for business or government purposes;

5 (2) held for lease or rental to the general public; or

6 (3) held for sale by a motor vehicle dealer.

7 Section 2. This act shall take effect in 60 days.