

# 2016 -- S 2596 SUBSTITUTE A

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LC003637/SUB A  
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## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO CRIMINAL OFFENSES

Introduced By: Senators Goodwin, Gallo, Lynch Prata, Crowley, and Sosnowski

Date Introduced: February 25, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby  
2 amended by adding thereto the following chapter:

### CHAPTER 69

#### ELECTRONIC TRACKING OF MOTOR VEHICLES

5 **11-69-1. Electronic Tracking of Motor Vehicles.** - (a)(1) Except as provided in  
6 subsection (b) of this section, it is an offense for a person to knowingly install, conceal, or  
7 otherwise place or use an electronic tracking device in or on a motor vehicle without the consent  
8 of the operator and all occupants of the vehicle for the purpose of monitoring or following the  
9 operator, occupant or occupants of the vehicle.

10 (2) Definitions. - As used in this section:

11 (i) The term "dealer" has the same meaning as set forth in §31-5-5 and includes, for  
12 purposes of this section, an assignee of the dealer;

13 (ii) The term "person" does not include the manufacturer of the motor vehicle, provider of  
14 telematics equipment and services, or entities that rent motor vehicles; and

15 (iii) The term "starter interrupt technology" means technology used to remotely disable  
16 the starter of a motor vehicle.

17 (b)(1) It shall not be a violation if the installation, concealment, placement, or use of an  
18 electronic tracking device in or on a motor vehicle is by, or at the direction of a law enforcement  
19 officer in furtherance of a criminal investigation and is carried out in accordance with the

1 applicable state and federal law.

2 (2) If the installation, concealment, placement, or use of an electronic tracking device in  
3 or on a motor vehicle is by, or at the direction of a parent or legal guardian who owns or leases  
4 the vehicle, and if the device is used solely for the purpose of monitoring the minor child of the  
5 parent or legal guardian when the child is an occupant of the vehicle, then the installation,  
6 concealment, placement, or use of the device in or on the vehicle without the consent of any or all  
7 occupants in the vehicle shall not be a violation, unless the person utilizing the tracking device  
8 has an active restraining order or no contact order against them for the protection of any vehicle  
9 occupant.

10 (3) It shall not be a violation of this section if an electronic tracking device is attached to  
11 stolen goods for the purpose of tracking the location of the stolen goods, whether or not they may  
12 be transported in a vehicle, or if installed, concealed, placed, or used in or on a vehicle as a  
13 vehicle theft recovery device.

14 (4) It shall not be a violation of this section if an electronic tracking device, including but  
15 not limited to devices also containing technology used to remotely disable the starter of a motor  
16 vehicle, is installed and/or used by a motor vehicle dealer in connection with the credit sale, loan,  
17 or lease of a motor vehicle with the express written consent of the vehicle's purchaser, lessor, or  
18 lessee.

19 (5) It shall not be a violation of this section if an electronic tracking device is installed  
20 and/or used by a business that is authorized to transact business in this state and the tracking  
21 device is used by the business for the purpose of tracking vehicles that are owned or leased by the  
22 business and driven by employees of that business, its affiliates, or contractors of that business or  
23 its affiliates.

24 (c) The provisions of this section shall not apply to a tracking system installed by the  
25 manufacturer of a motor vehicle, a provider of telematics equipment and services or installed  
26 and/or used by an entity renting out vehicles, or installed or provided by an insurance company  
27 with the vehicle owner's or vehicle lessee's permission to monitor driving habits for insurance  
28 rating purposes.

29 (d) A violation of this section is a misdemeanor punishable by up to one year in prison, or  
30 up to a one thousand dollar (\$1000) fine, or both.

31 SECTION 2. Section 12-29-2 of the General Laws in Chapter 12-29 entitled "Domestic  
32 Violence Prevention Act" is hereby amended to read as follows:

33 **12-29-2. Definitions.** -- (a) "Domestic violence" includes, but is not limited to, any of the  
34 following crimes when committed by one family or household member against another:

- 1 (1) Simple assault (~~section §~~11-5-3);
- 2 (2) Felony assaults (~~sections 11-5-1, 11-5-2, and 11-5-4~~ [chapter 5 of title 11](#));
- 3 (3) Vandalism (~~section §~~11-44-1);
- 4 (4) Disorderly conduct (~~section §~~11-45-1);
- 5 (5) Trespass (~~section §~~11-44-26);
- 6 (6) Kidnapping (~~section §~~11-26-1);
- 7 (7) Child-snatching (~~section §~~11-26-1.1);
- 8 (8) Sexual assault (sections 11-37-2, 11-37-4);
- 9 (9) Homicide ~~section §§~~11-23-1 and 11-23-3);
- 10 (10) Violation of the provisions of a protective order entered pursuant to section 15-5-19,
- 11 chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order
- 12 and the penalty for its violation or a violation of a no contact order issued pursuant to section 12-
- 13 29-4;
- 14 (11) Stalking (~~sections 11-59-1 et seq.~~ [chapter 59 of title 11](#));
- 15 (12) Refusal to relinquish or to damage or to obstruct a telephone (~~section §~~11-35-14);
- 16 (13) Burglary and Unlawful Entry (~~section 11-8-1 et seq.~~ [chapter 8 of title 11](#));
- 17 (14) Arson (~~section 11-4-2 et seq.~~ [chapter 4 of title 11](#));
- 18 (15) Cyberstalking and cyberharassment (section 11-52-4.2); ~~and~~
- 19 (16) Domestic assault by strangulation ~~section §~~11-5-2.3.; ~~and~~
- 20 [\(17\) Electronic tracking of motor vehicles \(§11-69-1\).](#)

21 (b) "Family or household member" means spouses, former spouses, adult persons related  
22 by blood or marriage, adult persons who are presently residing together or who have resided  
23 together in the past three (3) years, and persons who have a child in common regardless of  
24 whether they have been married or have lived together, or if persons who are or have been in a  
25 substantive dating or engagement relationship within the past one year which shall be determined  
26 by the court's consideration of the following factors:

- 27 (1) the length of time of the relationship;
- 28 (2) the type of the relationship;
- 29 (3) the ~~frequency~~ [frequency](#) of the interaction between the parties.

30 (c) "Protective order" means an order issued pursuant to section 15-5-19, chapter 15 of  
31 title 15, or chapter 8.1 of title 8.

32 (d) "Victim" means a family or household member who has been subjected to domestic  
33 violence.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL OFFENSES

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1           This act would restrict the installation, concealment, placement or use of an electronic  
2 tracking device in or on a motor vehicle, and would add use of electronic tracking devices to the  
3 definition of crimes considered "domestic violence" under the "Domestic Violence Protection  
4 Act".

5           This act would take effect upon passage.

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