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**HOUSE BILL NO. 53**

Offered January 13, 2010

Prefiled December 22, 2009

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-54.3, relating to the unlawful implantation of human tracking devices.*

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Patron—Cole

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 18.2-54.3 as follows:***§ 18.2-54.3. Unlawful implantation or use of human tracking devices; penalty.**A. As used in this section:*

*"Consent" means informed written consent following full disclosure of the capabilities of the identification/tracking device or mark and any health and other risks associated with the identification/tracking device or mark. A minor cannot grant consent, nor shall consent of a guardian, guardian ad litem, attorney-in-fact, parent, or other agent on behalf of a minor be considered lawful consent.*

*"Identification/tracking device or mark" means any item, application, device, marking, or other technology capable of storing or passively or actively transmitting an individual's identity, characteristics, status, group membership, travel history, or location, or capable of storing or transmitting a number, symbol, signal, pattern, or other identifier that could be linked with any such information.*

*"Track" means to locate, follow or monitor.*

*B. It is unlawful to cause a person to have an identification/tracking device or mark implanted or permanently or semipermanently incorporated into or on his body, skin, teeth, hair, or nails without his consent.*

*It is unlawful to implant or incorporate an identification/tracking device or mark into or on a human corpse.*

*It is unlawful to use an identification/tracking device or mark in or on a person in order to track, or to aid in tracking, the person, without his consent.*

*It is unlawful to use the absence of an identification/tracking device or mark as a basis for discriminating against a person for any purpose whatsoever, including, but not limited to, employment, housing, insurance, medical care, voting, education, travel, banking, finance, and commerce.*

*C. A violation of this section is punishable as a Class 1 misdemeanor.*

INTRODUCED

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