

2011 SESSION

HOUSE SUBSTITUTE

11104294D

HOUSE BILL NO. 2032

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 31, 2011)

(Patrons Prior to Substitute—Delegates May and Byron [HB 2320])

A *BILL to amend the Code of Virginia by adding in Article 6 of Chapter 4 of Title 18.2 a section numbered 18.2-60.5, relating to placement of electronic tracking devices in or on vehicles through deceptive means; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 6 of Chapter 4 of Title 18.2 a section numbered 18.2-60.5 as follows:

§ 18.2-60.5. Unauthorized installation or placement of electronic tracking device in vehicle; penalty.

A. Any person who installs or places an electronic tracking device in or on a vehicle with the intent to track the vehicle without the knowledge and consent of the operator is guilty of a Class 3 misdemeanor.

B. The provisions of this section shall not apply to the installation or placement of an electronic tracking device in or on a vehicle by:

1. A law-enforcement officer, as defined in § 9.1-101, a law-enforcement officer with the United States Federal Bureau of Investigation, Bureau of Alcohol, Tobacco and Firearms, Secret Service Agency, Drug Enforcement Administration, United States Citizenship and Immigration Services, Customs Service, Department of State Diplomatic Security Service, U.S. Marshals Service or Naval Criminal Investigative Service, judicial officer, probation or parole officer, or employee of the Department of Corrections when any such person is engaged in the lawful performance of official duties;

2. The parent or legal guardian of a minor in or on any vehicle owned or leased by the minor or the parent or guardian of the minor and operated by the minor; or

3. The owner or lessee of the vehicle or his authorized agent unless the owner or lessee is subject to a protective order.

C. For the purposes of this section:

"Electronic tracking device" means an electronic or mechanical device that, when placed on or installed in a vehicle, permits other persons to remotely determine or track the position and movement of such vehicle.

"Vehicle" has the same meaning set forth in § 46.2-100.

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