

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 6 of Chapter 4 of Title 18.2 a section*
3 *numbered 18.2-60.5, relating to the use of electronic tracking devices; penalty.*

[H 1981]

Approved

6 **Be it enacted by the General Assembly of Virginia:**

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

9 **§ 18.2-60.5. Unauthorized use of electronic tracking device; penalty.**

10 *A. Any person who installs or places an electronic tracking device through intentionally deceptive*
11 *means and without consent, or causes an electronic tracking device to be installed or placed through*
12 *intentionally deceptive means and without consent, and uses such device to track the location of any*
13 *person is guilty of a Class 3 misdemeanor.*

14 *B. The provisions of this section shall not apply to the installation, placement, or use of an*
15 *electronic tracking device by:*

16 *1. A law-enforcement officer, judicial officer, probation or parole officer, or employee of the*
17 *Department of Corrections when any such person is engaged in the lawful performance of official duties*
18 *and in accordance with other state or federal law;*

19 *2. The parent or legal guardian of a minor when tracking (i) the minor or (ii) any person authorized*
20 *by the parent or legal guardian as a caretaker of the minor at any time when the minor is under the*
21 *person's sole care;*

22 *3. A legally authorized representative of an incapacitated adult, as defined in § 18.2-369;*

23 *4. The owner of fleet vehicles, when tracking such vehicles;*

24 *5. An electronic communications provider to the extent that such installation, placement, or use is*
25 *disclosed in the provider's terms of use, privacy policy, or similar document made available to the*
26 *customer; or*

27 *6. A registered private investigator, as defined in § 9.1-138, who is regulated in accordance with*
28 *§ 9.1-139 and is acting in the normal course of his business and with the consent of the owner of the*
29 *property upon which the electronic tracking device is installed and placed. However, such exception*
30 *shall not apply if the private investigator is working on behalf of a client who is subject to a protective*
31 *order under § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 19.2-152.8, 19.2-152.9, 19.2-152.10, or*
32 *§ 20-103 (B), or if the private investigator knows or should reasonably know that the client seeks the*
33 *private investigator's services to aid in the commission of a crime.*

34 *C. For the purposes of this section:*

35 *"Electronic tracking device" means an electronic or mechanical device that permits a person to*
36 *remotely determine or track the position and movement of another person.*

37 *"Fleet vehicle" means (i) one or more motor vehicles owned by a single entity and operated by*
38 *employees or agents of the entity for business or government purposes, (ii) motor vehicles held for lease*
39 *or rental to the general public, or (iii) motor vehicles held for sale by motor vehicle dealers.*

ENROLLED

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