
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1119 Session of
2022

INTRODUCED BY LANGERHOLC, ROBINSON, J. WARD, MARTIN, SCAVELLO,
LAUGHLIN, STEFANO, MENSCH, FLYNN, KANE, SCHWANK, BREWSTER,
MASTRIANO, COSTA AND CAPPELLETTI, MARCH 3, 2022

REFERRED TO JUDICIARY, MARCH 3, 2022

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.