

**ASSEMBLY BILL**

**No. 2055**

---

---

**Introduced by Assembly Member Fuentes**

February 23, 2012

---

---

An act relating to searches.

LEGISLATIVE COUNSEL'S DIGEST

AB 2055, as introduced, Fuentes. Searches: GPS tracking.

Existing law prohibits, with exceptions, the use of an electronic tracking device to determine the location or movement of a person. Under existing law a violation of these provisions is a misdemeanor. Existing law states that these provisions do not apply to the lawful use of an electronic tracking device by a law enforcement agency. Existing decisional law, in the case of *U.S. v. Jones*, holds that the attachment of a Global Positioning System (GPS) tracking device to a vehicle and the use of the device to track the vehicle is a search within the meaning of the Fourth Amendment to the United States Constitution.

This bill would state the intent of the Legislature to enact legislation consistent with the holding in *U.S. v. Jones*.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation consistent with the holding in *U.S. v. Jones* (2012) 132
- 3 S.Ct. 945.

O