

Senate Bill No. 1667

Passed the Senate August 20, 1998

Secretary of the Senate

Passed the Assembly August 17, 1998

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to add Section 637.7 to the Penal Code, relating to privacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1667, Burton. Privacy: electronic tracking device.

Existing law prohibits the invasion of privacy by electronic devices, as specified.

This bill would, in addition, make it a misdemeanor for any person or entity in this state to use an electronic tracking device, as defined, to determine the location or movement of a person. The bill would not apply when the registered owner, lessor, or lessee of a vehicle has consented to the use of an electronic tracking device with respect to that vehicle, or to the lawful use of an electronic tracking device by a law enforcement agency. By creating a new crime, this bill would impose a state-mandated local program.

The bill additionally would provide that a violation of these provisions by a person or entity required to be licensed by the state as a business or profession, as specified, would constitute grounds for revocation of the license issued to that person or entity.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. The Legislature finds and declares that the right to privacy is fundamental in a free and civilized society and that the increasing use of electronic surveillance devices is eroding personal liberty. The Legislature declares that electronic tracking of a person's



location without that person's knowledge violates that person's reasonable expectation of privacy.

SEC. 2. Section 637.7 is added to the Penal Code, to read:

637.7. (a) No person or entity in this state shall use an electronic tracking device to determine the location or movement of a person.

(b) This section shall not apply when the registered owner, lessor, or lessee of a vehicle has consented to the use of the electronic tracking device with respect to that vehicle.

(c) This section shall not apply to the lawful use of an electronic tracking device by a law enforcement agency.

(d) As used in this section, "electronic tracking device" means any device attached to a vehicle or other movable thing that reveals its location or movement by the transmission of electronic signals.

(e) A violation of this section is a misdemeanor.

(f) A violation of this section by a person, business, firm, company, association, partnership, or corporation licensed under Division 3 (commencing with Section 5000) of the Business and Professions Code shall constitute grounds for revocation of the license issued to that person, business, firm, company, association, partnership, or corporation, pursuant to the provisions that provide for the revocation of the license as set forth in Division 3 (commencing with Section 5000) of the Business and Professions Code.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act



shall become operative on the same date that the act takes effect pursuant to the California Constitution.



Approved _____, 1998

Governor

