

GPS Tracking Laws (All 50 States)

State Statute Caption Summary

Alabama Code of Ala. § 13A-11-32(a) Criminal surveillance. A person commits the crime of criminal surveillance if he intentionally engages in surveillance while trespassing in a private place.

Alaska Alaska Stat. § 11.41.270(b)(4)(H) Stalking in the second degree “nonconsensual contact” means any contact with another person that is initiated or continued without that person’s consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person’s expressed desire that the contact be avoided or discontinued; “nonconsensual contact” includes:

following or monitoring that person with a global positioning device or similar technological means;

Arizona A.R.S. § 13-2923(d)(1)(a)(ii) Stalking; classification; exceptions; definitions A person commits stalking if the person intentionally or knowingly engages in a course of conduct ... which (a) Means directly or indirectly, in person or through one or more third persons or by any other means, to do any of the following:

...

(ii) Use any electronic, digital or global positioning system device to surveil a specific person or a specific person’s internet or wireless activity continuously for twelve hours or more or on two or more occasions over a period of time, however short, without authorization.

Arkansas None found

California Cal. Penal Code § 637.7 Use of electronic tracking device to determine person’s location; Consensual use to track vehicle (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.

Colorado C.R.S. 18-3-602 Stalking – penalty – definitions – Vonnie’s law The phrase “under surveillance” includes electronic surveillance that records a person’s whereabouts as that person moves from one location to another and allows the stalker to access that information either simultaneously or shortly thereafter. *People v. Sullivan*, 53 P.3d 1181 (Colo. App. 2002).

Connecticut Conn. Gen. Stat. § 53a-181f(a) Electronic stalking: Class B misdemeanor. (a) A person is guilty of electronic stalking when such person recklessly causes another person to reasonably fear for his or her physical safety by wilfully and repeatedly using a global positioning system or similar electronic monitoring system to remotely determine or track the position or movement of such other person.

Delaware 11 Del. C. § 1335(a)(8) Violation of privacy; class A misdemeanor; class G felony
A person is guilty of violation of privacy when, except as authorized by law, the person:

Knowingly installs an electronic or mechanical location tracking device in or on a motor vehicle without the consent of the registered owner, lessor or lessee of said vehicle. This paragraph shall not apply to the lawful use of an electronic tracking device by a law-enforcement officer, nor shall it apply to a parent or legal guardian who installs such a device for the purpose of tracking the location of a minor child thereof.

There was sufficient evidence to find defendant guilty of violating 11 Del. C. § 1335(a)(2), where defendant attached a global positioning system tracking device to the undercarriage of the victim’s car, recording the movements and location of the vehicle; a person has an expectation of privacy inside that person’s vehicle. *Biddle v. State*, 2006 Del. Super. LEXIS 599 (Del. Super. Ct. Feb. 14, 2006).

District of Columbia D.C. Code § 22-3132(1) Chapter 31A. Stalking. Definitions “Any device” means electronic, mechanical, digital or any other equipment, including: a camera, spycam, computer, spyware, microphone, audio or video recorder, global positioning system, electronic monitoring system, listening device, night-vision goggles, binoculars, telescope, or spyglass.

Florida Fla. Stat. § 934.425(2) Installation of tracking devices or tracking applications; exceptions; penalties. Except as provided in subsection (4), a person may not knowingly install a tracking device or tracking application on another person’s property without the other person’s consent.

(1)(c) "Tracking device" means any device whose primary purpose is to reveal its location or movement by the transmission of electronic signals.

Georgia None Found

Hawaii HRS § 711-1106.5(1) Harassment by stalking (1) A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.

Idaho Idaho Code § 18-6702 Interception and disclosure of wire, electronic or oral communications prohibited Idaho Code § 18-6701(10) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system, but does not include:

(c) Any communication from a tracking device, as defined in 18 U.S.C. section 3117;

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§ 18-6702

(1) Except as otherwise specifically provided in this chapter, any person shall be guilty of a felony and is punishable by imprisonment in the state prison for a term not to exceed five (5) years or by a fine not to exceed five thousand dollars (\$ 5,000), or by both fine and imprisonment if that person:

(a) Willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, electronic or oral communication; or

(b) Willfully uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when:

1. Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication

Illinois 720 ILCS 5/21-2.5(b) Electronic tracking devices prohibited A person or entity in this State may not use an electronic tracking device to determine the location or movement of a person.

Troeckler v. Zeiser, 2015 U.S. Dist. LEXIS 27594 (S.D. Ill. Mar. 5, 2015) (Plaintiffs' invasion of privacy by intrusion upon seclusion and civil conspiracy claims with respect to placement of the GPS tracking device dismissed).

Indiana Ind. Code Ann. § 35-31.5-2-337.5 "Tracking device" defined. "Tracking device", for purposes of IC 35-33-5 and this chapter, means an electronic or mechanical device that allows a person to remotely determine or track the position or movement of another person or an object. The term includes the following:

(1) A device that stores geographic data for subsequent access or analysis.

(2) A device that allows real-time monitoring or movement.

Wertz v. State, 41 N.E.3d 276, 286 (Ind. Ct. App. July 7, 2015) (There is a reasonable expectation of privacy in detailed historical location data from a personal GPS device. Absent exigent circumstances, law enforcement must obtain a search warrant to access such information.).

Iowa Iowa Code § 708.11A Unauthorized placement of global positioning device 1. A person commits unauthorized placement of a global positioning device when the person, without the consent of the other person, places a global positioning device on the other person or an object in order to track the movements of the other person without a legitimate purpose.

Kansas None Found

Kentucky KRS § 456.010(4) CHAPTER 456 Civil Orders of Protection "Global positioning monitoring system" means a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity;

Louisiana LA 2016 REGULAR LEGISLATIVE SESSION

ACT 613

SENATE BILL NO. 123 “Global positioning monitoring system” means a system that electronically determines and reports the location of an individual by means of an ankle bracelet transmitter or similar device worn by the individual that transmits latitude and longitude data to monitoring authorities through global positioning satellite technology but does not contain or operate any global positioning system technology or radio frequency identification technology or similar technology that is implanted in or otherwise invades or violates the corporeal body of the individual.

Maine 17-A M.R.S. § 210-A(2)(A) Stalking “Course of conduct” means 2 or more acts, including but not limited to acts in which the actor, by any action, method, device or means, directly or indirectly follows, monitors, tracks, observes, surveils, threatens, harasses or communicates to or about a person or interferes with a person’s property. “Course of conduct” also includes, but is not limited to, threats implied by conduct and gaining unauthorized access to personal, medical, financial or other identifying or confidential information.

Maryland Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 10-401 SUBTITLE 4. WIRETAPPING AND ELECTRONIC SURVEILLANCE (ii) “Electronic communication” does not include:

3. Any communication from a tracking device.

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Indisputably, the use of slap on GPS devices on Wilford’s vehicles qualifies as a search under Jones. And, according to the “basic rule,” warrantless searches are per se unreasonable.

United States v. Wilford, 961 F. Supp. 2d 740, 758 (D. Md. June 7, 2013)

Massachusetts ALM GL ch. 265, § 43 Stalking Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury, shall be guilty of the crime of stalking and shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$ 1,000, or imprisonment in the house of correction for not more than 2 1/2 years or by both such fine and imprisonment. The conduct, acts or threats described in this subsection shall include, but not be limited to, conduct, acts or threats conducted by mail or by use of a telephonic or telecommunication device or electronic communication device including, but not limited to, any device that transfers signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic,

photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Michigan MCL § 750.539I (1) Tracking device; placement or installment on motor vehicle without consent; violation as misdemeanor; penalty; exemptions; inapplicability of subsection (2)(j); liability for damages; definitions. (1) A person who does any of the following is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$ 1,000.00, or both:

(a) Installs or places a tracking device, or causes a tracking device to be installed or placed, in or on a motor vehicle without the knowledge and consent of the owner of that motor vehicle or, if the motor vehicle is leased, the lessee of that motor vehicle.

(b) Tracks the location of a motor vehicle with a tracking device without the knowledge and consent of either the owner or the authorized operator of that motor vehicle or, if the motor vehicle is leased, either the lessee or the authorized operator of that motor vehicle.

Minnesota Minn. Stat. § 626A.01 Chapter 626A. Privacy of Communications or Wire, Electronic, and Oral Interception Subd. 14. Electronic communication. — “Electronic communication” means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system but does not include:

(1) a wire or oral communication;

(2) a communication made through a tone-only paging device; or

(3) a communication from a tracking device, defined as an electronic or mechanical device which permits the tracking of the movement of a person or object.

Mississippi Miss. Code Ann. § 97-3-107 Stalking; aggravated stalking; penalties; definitions

(a) “Course of conduct” means a pattern of conduct composed of a series of two (2) or more acts over a period of time, however short, evidencing a continuity of purpose and that would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property. Such acts may include, but are not limited to, the following or any combination thereof, whether done directly or indirectly: (i) following or confronting

the other person in a public place or on private property against the other person's will; (ii) contacting the other person by telephone or mail, or by electronic mail or communication as defined in Section 97-45-1; or (iii) threatening or causing harm to the other person or a third party.

Missouri None Found

Montana 45-5-220, MCA(1) Stalking — exemption — penalty. A person commits the offense of stalking if the person purposely or knowingly causes another person substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly:

(a) following the stalked person; or

(b) harassing, threatening, or intimidating the stalked person, in person or by mail, electronic communication, as defined in 45-8-213, or any other action, device, or method.

Nebraska R.R.S. Neb. § 86-2,103 Mobile tracking device; use. (1) A district court may issue a warrant or other order for the installation of a mobile tracking device, and such order may authorize the use of that device within the jurisdiction of the court and outside that jurisdiction if the device is installed in that jurisdiction.

(2) For purposes of this section, mobile tracking device means an electronic or mechanical device which permits the tracking of the movement of a person or object.

Nevada Nev. Rev. Stat. Ann. § 179.451 "Tracking device" defined. "Tracking device" means an electronic or mechanical device that permits the tracking of the movement of a person or an object.

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Nev. Rev. Stat. Ann. § 179.421 179.421. "Electronic communication" defined.

"Electronic communication" means a transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transferred in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. The term does not include:

3. A communication from a tracking device.

New Hampshire RSA 644-A:1(VI) Chapter 644-A Electronic Device Location Information “Location information service” means a global positioning service or other mapping or directional information service.

RSA 644-A:2 Warrant Required for Acquisition of Location Information.

I. Except as provided in this chapter, a government entity shall not obtain location information from an electronic device without a warrant issued by a judge based on probable cause and on a case-by-case basis.

II. No government entity shall place, locate, or install an electronic device on the person or property of another, or obtain location information from such an electronic device, without a warrant issued by a judge based on probable cause and on a case-by-case basis.

New Jersey N.J. Stat. § 2A:156A-2 Chapter 156A. New Jersey Wiretapping and Electronic Surveillance Control Act “Location information” means global positioning system data, enhanced 9-1-1 data, cellular site information, and any other information that would assist a law enforcement agency in tracking the physical location of a cellular telephone or wireless mobile device.

Villanova v. Innovative Investigations, Inc., 21 A.3d 650, 651-652 (App.Div. 2011) (Placement of a GPS device in plaintiff’s vehicle without his knowledge, but in the absence of evidence that he drove the vehicle into a private or secluded location that was out of public view and in which he had a legitimate expectation of privacy, does not constitute the tort of invasion of privacy.).

New Mexico N.M. Stat. Ann. § 30-3A-3 Stalking; penalties A. Stalking consists of knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual.

B. As used in this section:

(1) “lawful authority” means within the scope of lawful employment or constitutionally protected activity; and

(2) “pattern of conduct” means two or more acts, on more than one occasion, in which the alleged stalker by any action, method, device or means, directly, indirectly or through third parties, follows, monitors, surveils, threatens or communicates to or about a person.

New York NY CLS Penal § 120.45 Stalking in the fourth degree For the purposes of subdivision two of this section, “following” shall include the unauthorized tracking of such person’s movements or location through the use of a global positioning system or other device.

North Carolina NC Stat. § 14-196.3(b)(5) Cyberstalking It is unlawful for a person to:

Knowingly install, place, or use an electronic tracking device without consent, or cause an electronic tracking device to be installed, placed, or used without consent, to track the location of any person.

North Dakota N.D. Cent. Code, § 12.1-17-07.1(1)(c)(2) Stalking(2) The unauthorized tracking of the person’s movements or location through the use of a global positioning system or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.

Ohio ORC Ann. 2903.211 Menacing by stalking Trial court properly adopted a magistrate’s decision, which granted a wife a domestic violence civil protection order against her estranged husband, as she sufficiently established that he committed menacing by stalking based on her testimony regarding multiple occurrences where he stalked her, he did so knowingly, he admitted to installing a tracking device in her car, and his actions had caused her to suffer a “break down.” Barrett v. Barrett, 2017-Ohio-250, 2017 Ohio App. LEXIS 250 (Ohio Ct. App., Warren County 2017).

Oklahoma 13 Okl. St. § 177.1 Pen Registers or Traps and Trace Devices 2. “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electro-magnetic, photo-electronic or photo-optical system, but does not include:

a. any wire or oral communication,

b. any communication made through a tone-only paging device, or

c. any communication from a tracking device;

Oregon ORS § 133.617 “Mobile tracking device” defined As used in ORS 133.545 and 133.619, unless the context requires otherwise, “mobile tracking device” means an electronic or mechanical device which permits the tracking of the movement of a person or object.

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ORS § 133.619

Execution of warrant authorizing mobile tracking device.

(1) A warrant authorizing the installation or tracking of a mobile tracking device shall be executed as provided in this section.

Pennsylvania 18 P.S. §43(a) Disclosure of mobile communications tracking information in emergency situations Notwithstanding 18 Pa.C.S. Ch. 57 (relating to wiretapping and electronic surveillance), upon receipt of a written form from an investigative or law enforcement officer, a wireless telecommunications service provider shall provide the requested mobile communications tracking information concerning the device to the requesting investigative or law enforcement officer.

Rhode Island R.I. Gen. Laws § 11-69-1(a)(1) Electronic tracking of motor vehicles Except as provided in subsection (b) of this section, it is an offense for a person to knowingly install, conceal, or otherwise place or use an electronic tracking device in or on a motor vehicle without the consent of the operator and all occupants of the vehicle for the purpose of monitoring or following the operator, occupant, or occupants of the vehicle.

South Carolina S.C. Code Ann. § 17-30-15(13) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, photooptical system, or any other device that affects intrastate, interstate, or foreign commerce, but does not include:

(a) any wire or oral communication;

(b) any communication made through a tone-only paging device;

(c) any communication from an electronic or mechanical device which permits the tracking of the movement of a person or an object;

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S.C. Code Ann. § 17-30-20

Except as otherwise specifically provided in this chapter, a person who commits any of the following acts is guilty of a felony and, upon conviction, must be punished as provided in Section 17-30-50 of this chapter:

(1) intentionally intercepts, attempts to intercept, or procures any other person to intercept or attempt to intercept any wire, oral, or electronic communication;

(2) intentionally uses, attempts to use, or procures any other person to use or attempt to use any electronic, mechanical, or other device to intercept any oral communication when:

(a) the device is affixed to or otherwise transmits a signal through a wire, cable, or other like connection used in wire communication

South Dakota S.D. Codified Laws § 23A-35-4.3 Search warrant for installation, use, and maintenance of tracking devices. (a) Tracking Device Defined. As used in this section the term tracking device means an electronic or mechanical device which permits the tracking of the movement of a person or object.

(b) Contents. A search warrant for a tracking device may be issued by any magistrate authorized in § 23A-35-2 for the installation, use, and maintenance of a tracking device. There must be probable cause to search and seize property as set forth in this chapter and that such installation and use of this device will lead to the discovery of evidence under § 23A-35-3. The tracking device warrant must identify the person or property to be tracked, designate the magistrate to whom it must be returned, and specify a reasonable length of time that the device may be used. The time may not exceed 45 days from the date the warrant was issued. The court may, for good cause, grant one or more extensions for a reasonable

period not to exceed 45 days each. The warrant must command the officer to complete any installation authorized by the warrant within a specified time no longer than 10 days.

Tennessee Tenn. Code Ann. § 39-13-606 39-13-606. Electronic tracking of motor vehicles.

(a) (1) (A) Except as provided in subsection (b), it is an offense for a person to knowingly install, conceal or otherwise place an electronic tracking device in or on a motor vehicle without the consent of all owners of the vehicle for the purpose of monitoring or following an occupant or occupants of the vehicle.

(B) It is an offense for a person who leases a motor vehicle to knowingly install, conceal, or otherwise place an electronic tracking device in or on the motor vehicle without the consent of the lessee of the vehicle.

Texas Texas Penal Code § 16.06(b) Unlawful Installation of Tracking Device A person commits an offense if the person knowingly installs an electronic or mechanical tracking device on a motor vehicle owned or leased by another person.

Utah Utah Code Ann. § 77-23a-3 Chapter 23a Interception of Communications (5) "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system, but does not include:

(a) the radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;

(b) any wire or oral communications;

(c) any communication made through a tone-only paging device; or

(d) any communication from an electronic or mechanical device that permits the tracking of the movement of a person or object.

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Utah Code Ann. § 77-23a-4 Offenses — Criminal and civil — Lawful interception.

(b) A person commits a violation of this subsection who:

(i) intentionally or knowingly intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, electronic, or oral communication;

Vermont § 8101(8) CHAPTER 232. VERMONT ELECTRON

IC COMMUNICATION

PRIVACY ACT

“Protected user information” means electronic communication content, including the subject line of e-mails, cellular tower-based location data, GPS or GPS-derived location data, the contents of files entrusted by a user to an electronic communication service pursuant to a contractual relationship for the storage of the files whether or not a fee is charged, data memorializing the content of information accessed or viewed by a user, and any other data for which a reasonable expectation of privacy exists.

Virginia Va. Code Ann. § 18.2-60.5(A) Unauthorized use of electronic tracking device; penalty Any person who installs or places an electronic tracking device through intentionally deceptive means and without consent, or causes an electronic tracking device to be installed or placed through intentionally deceptive means and without consent, and uses such device to track the location of any person is guilty of a Class 3 misdemeanor.

“Electronic tracking device” means an electronic or mechanical device that permits a person to remotely determine or track the position and movement of another person.

Washington Rev. Code Wash. (ARCW) § 9.73.260 Pen registers, trap and trace devices, cell site simulator devices (b) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system, but does not include:

(i) Any wire or oral communication;

(ii) Any communication made through a tone-only paging device; or

(iii) Any communication from a tracking device, but solely to the extent the tracking device is owned by the applicable law enforcement agency.

West Virginia W. Va. Code § 62-1D-2 Article 1D. Wiretapping and Electronic Surveillance Act. (m) “Electronic communication” means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electro-magnetic, photoelectronic or photooptical system...

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W. Va. Code § 62-1D-3 Interception of communications generally.

(a) Except as otherwise specifically provided in this article it is unlawful for any person to:

(1) Intentionally intercept, attempt to intercept or procure any other person to intercept or attempt to intercept, any wire, oral or electronic communication;

Wisconsin Wis. Stat. § 940.32 Stalking(1) In this section:

(a) “Course of conduct” means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

(6m) Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.

8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.

9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.

Wyoming Wyo. Stat. § 7-3-702 § 7-3-702. Prohibition against interception or disclosure of wire, oral or electronic communications; exceptions; penalties. § 7-3-701(v) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system that affects interstate or foreign commerce but does not include:

(A) Any wire or oral communication;

(B) Any communication made through a tone-only paging device;

(C) Any communication made through a tracking device as defined in 18 U.S.C. § 3117;

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§ 7-3-702(a) Except as provided in subsection (b) of this section, no person shall intentionally:

(i) Intercept, attempt to intercept, or procure any other person to intercept or attempt to intercept any wire, oral or electronic communication;

(ii) Use, attempt to use, or procure any other person to use or attempt to use any electronic, mechanical or other device to intercept any oral communication when:

(A) Such device is affixed to, or otherwise transmits a signal through, a wire, cable or other like connection used in wire communication