
SENATE BILL NO. 26—SENATOR NEAL

PREFILED JANUARY 24, 2003

Referred to Committee on Judiciary

SUMMARY—Establishes certain requirements relating to monitoring devices attached to exterior of vehicles to track movement or location of vehicles. (BDR 14-146)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; establishing certain requirements relating to monitoring devices that are attached to the exterior of vehicles to track the movement or location of the vehicles; making certain evidence inadmissible; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 179 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.
3 **Sec. 2.** *As used in NRS 179.015 to 179.115, inclusive, this*
4 *section and sections 3 and 4 of this act, unless the context*
5 *otherwise requires, the words and terms defined in NRS 179.015*
6 *and section 3 of this act have the meanings ascribed to them in*
7 *those sections.*
8 **Sec. 3.** *“Monitoring device” means any device that can be*
9 *attached to the exterior of a vehicle to track the movement and*
10 *location of the vehicle.*
11 **Sec. 4. 1.** *An officer shall not attach a monitoring device to*
12 *the exterior of a vehicle unless:*
13 *(a) The officer has a court order or a search warrant issued*
14 *pursuant to NRS 179.045; or*



1 **(b) The officer attaches the monitoring device in a place that is**
2 **clearly visible to the driver of the vehicle when the driver enters or**
3 **is driving the vehicle.**
4 **2. If an officer violates the provisions of subsection 1:**
5 **(a) Any magistrate or judge within this state shall quash a**
6 **court order or a search warrant that is based upon evidence or**
7 **information acquired through the use of the monitoring device;**
8 **and**
9 **(b) Any direct or derivative evidence obtained as a result of the**
10 **use of the monitoring device is inadmissible in any criminal action**
11 **or proceeding.**
12 **Sec. 5.** NRS 179.015 is hereby amended to read as follows:
13 179.015 ~~[As used in NRS 179.015 to 179.115, inclusive, the~~
14 ~~term "property"]~~ **"Property"** includes documents, books, papers and
15 any other tangible objects.
16 **Sec. 6.** NRS 179.115 is hereby amended to read as follows:
17 179.115 NRS 179.015 to 179.115, inclusive, **and sections 2, 3**
18 **and 4 of this act** do not modify any other statute regulating search,
19 seizure and the issuance and execution of search warrants in
20 circumstances for which special provision is made.

