

(Reprinted with amendments adopted on May 22, 2023)

SECOND REPRINT

A.B. 356

ASSEMBLY BILL NO. 356—ASSEMBLYMEN DICKMAN, LA RUE HATCH, ANDERSON, HANSEN, KASAMA; CARTER, D’SILVA, DURAN, GALLANT, GRAY, GURR, HAFEN, HARDY, KOENIG, MCARTHUR, MOSCA, O’NEILL, TAYLOR, WATTS, YEAGER AND YUREK

MARCH 20, 2023

JOINT SPONSORS: SENATORS SEEVERS GANSERT, GOICOECHEA, TITUS, HANSEN; FLORES AND NEAL

Referred to Committee on Judiciary

SUMMARY—Enacts provisions relating to mobile tracking devices. (BDR 15-1007)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 mobile tracking devices; prohibiting a person from installing, concealing or otherwise placing a mobile tracking device in or on the motor vehicle of another person under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The United States District Court for the District of Nevada has held that using a
2 GPS tracking device to monitor the movements of a person implicates the tort of
3 invasion of privacy because a person has a reasonable expectation of privacy with
4 respect to his or her daily movements in a motor vehicle. (*Ringelberg v. Vanguard*
5 *Integrity Prof’ls-Nev., Inc.*, No. 2:17-CV-01788-JAD-PAL (D. Nev. Dec. 3, 2018))
6 Existing law does not expressly prohibit a person from installing a tracking device
7 on the motor vehicle of another person. This bill expressly provides that a person
8 commits the crime of unlawful installation of a mobile tracking device if the person
9 installs, conceals or otherwise places a mobile tracking device in or on the motor
10 vehicle of another person without the knowledge and consent of an owner or lessor
11 of the motor vehicle. This prohibition does not apply to a law enforcement agency
12 that installs, conceals or otherwise places a mobile tracking device in or on a motor



13 vehicle in accordance with all applicable requirements of the United States
14 Constitution, the Nevada Constitution and the laws of this State. This bill provides
15 that a person who commits any such offense is guilty of: (1) for the first offense, a
16 misdemeanor; (2) for the second offense, a gross misdemeanor; or (3) for the third
17 or any subsequent offense, a category C felony.

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

1 **Section 1.** Chapter 200 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 2, a person*
4 *commits the crime of unlawful installation of a mobile tracking*
5 *device if the person knowingly installs, conceals or otherwise*
6 *places a mobile tracking device in or on the motor vehicle of*
7 *another person without the knowledge and consent of an owner or*
8 *lessor of the motor vehicle.*

9 2. *The provisions of subsection 1 do not apply to a law*
10 *enforcement agency that installs, conceals or otherwise places a*
11 *mobile tracking device in or on a motor vehicle in accordance with*
12 *all applicable requirements of the United States Constitution, the*
13 *Nevada Constitution and the laws of this State.*

14 3. *A person who commits the crime of unlawful installation*
15 *of a mobile tracking device is guilty of:*

16 (a) *For the first offense, a misdemeanor.*

17 (b) *For the second offense, a gross misdemeanor.*

18 (c) *For the third or any subsequent offense, a category C*
19 *felony and shall be punished as provided in NRS 193.130.*

20 4. *As used in this section, “mobile tracking device” means*
21 *any device that permits a person to track the movement or location*
22 *of another person or object through the transmission of any*
23 *signal, including, without limitation, a radio or electronic signal.*

24 **Sec. 2.** This act becomes effective on July 1, 2023.

