

Amendment No. 608

Senate Amendment to Assembly Bill No. 356 First Reprint	(BDR 15-1007)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BAW



Date: 5/19/2023

A.B. No. 356—Enacts provisions relating to mobile tracking devices.
(BDR 15-1007)



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 GPS
2 tracking device to monitor the movements of a person implicates the tort of invasion of
3 privacy because a person has a reasonable expectation of privacy with respect to his or her
4 daily movements in a motor vehicle. (*Ringelberg v. Vanguard Integrity Prof’ls-Nev., Inc.*, No.
5 2:17-CV-01788-JAD-PAL (D. Nev. Dec. 3, 2018)) Existing law does not expressly prohibit a
6 person from installing a tracking device on the motor vehicle of another person. This bill
7 expressly provides that a person commits the crime of unlawful installation of a mobile
8 tracking device if the person installs, conceals or otherwise places a mobile tracking device in
9 or on the motor vehicle of another person without the knowledge and consent of an owner or
10 lessor of the motor vehicle. ~~[unless the person is a law enforcement officer who]~~ **This**
11 **prohibition does not apply to a law enforcement agency that** installs, conceals or otherwise
12 places a mobile tracking device in or on a motor vehicle ~~[pursuant to a warrant or court order.]~~
13 **in accordance with all applicable requirements of the United States Constitution, the**
14 **Nevada Constitution and the laws of this State.** This bill provides that a person who
15 commits any such offense is guilty of: (1) for the first offense, a misdemeanor; (2) for the
16 second offense, a gross misdemeanor; or (3) for the third or any subsequent offense, a
17 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 thereto a new
2 section to read as follows:

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

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

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

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

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

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

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

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