

2016 -- H 7002

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO CRIMINAL OFFENSES

Introduced By: Representatives Mattiello, Craven, Shekarchi, Lima, and Kazarian

Date Introduced: January 06, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 69

4 ELECTRONIC TRACKING OF MOTOR VEHICLES

5 **11-69-1. Electronic Tracking of Motor Vehicles.** – (a)(1) Except as provided in
6 subsection (b) of this section, it is an offense for a person to knowingly install, conceal, or
7 otherwise place an electronic tracking device in or on a motor vehicle without the consent of the
8 operator and all occupants of the vehicle for the purpose of monitoring or following the operator,
9 occupant or occupants of the vehicle.

10 (2) Definitions. - As used in this section:

11 (i) The term "dealer" has the same meaning as set forth in §31-5-5 and includes, for
12 purposes of this section, an assignee of the dealer;

13 (ii) The term "person" does not include the manufacturer of the motor vehicle or entities
14 that rent motor vehicles; and

15 (iii) The term "starter interrupt technology" means technology used to remotely disable
16 the starter of a motor vehicle.

17 (b)(1) It shall not be a violation if the installation, concealment, or placement of an
18 electronic tracking device in or on a motor vehicle is by, or at the direction of a law enforcement
19 officer in furtherance of a criminal investigation and is carried out in accordance with the

1 applicable state and federal law.

2 (2) If the installation, concealment, or placement of an electronic tracking device in or on
3 a motor vehicle is by, or at the direction of a parent or legal guardian who owns or leases the
4 vehicle, and if the device is used solely for the purpose of monitoring the minor child of the
5 parent or legal guardian when the child is an occupant of the vehicle, then the installation,
6 concealment or placement of the device in or on the vehicle without the consent of any or all
7 occupants in the vehicle shall not be a violation, unless the person utilizing the tracking device
8 has an active restraining order or no contact order against them for the protection of any vehicle
9 occupant.

10 (3) It shall not be a violation of this section if an electronic tracking device is attached to
11 stolen goods for the purpose of tracking the location of the stolen goods, whether or not they may
12 be transported in a vehicle, or if installed, concealed, or placed in or on a vehicle as a vehicle theft
13 recovery device.

14 (4) It shall not be a violation of this section if an electronic tracking device, including, but
15 not limited to, devices also containing technology used to remotely disable the starter of a motor
16 vehicle, is installed by a motor vehicle dealer in connection with the credit sale, loan, or lease of a
17 motor vehicle with the express written consent of the vehicle's purchaser, lessor, or lessee.

18 (5) It shall not be a violation of this section if an electronic tracking device is used by a
19 business that is authorized to transact business in this state and the tracking device is used by the
20 business for the purpose of tracking vehicles that are owned or leased by the business and driven
21 by employees of that business, its affiliates, or contractors of that business or its affiliates.

22 (c) The provisions of this section shall not apply to a tracking system installed by the
23 manufacturer of a motor vehicle, or installed by an entity renting out vehicles, or by an insurance
24 company with the vehicle owner's permission to monitor driving habits for insurance rating
25 purposes.

26 (d) A violation of this section is a misdemeanor punishable by up to one year in prison, or
27 up to a one thousand dollar (\$1000) fine, or both.

28 SECTION 2. Section 12-29-2 of the General Laws in Chapter 12-29 entitled "Domestic
29 Violence Prevention Act" is hereby amended to read as follows:

30 **12-29-2. Definitions.** -- (a) "Domestic violence" includes, but is not limited to, any of the
31 following crimes when committed by one family or household member against another:

- 32 (1) Simple assault (~~section §~~11-5-3);
33 (2) Felony assaults (~~sections 11-5-1, 11-5-2, and 11-5-4~~ chapter 5 of title 11);
34 (3) Vandalism (~~section §~~11-44-1);

- 1 (4) Disorderly conduct (~~section~~ [§11-45-1](#));
- 2 (5) Trespass (~~section~~ [§11-44-26](#));
- 3 (6) Kidnapping (~~section~~ [§11-26-1](#));
- 4 (7) Child-snatching (~~section~~ [§11-26-1.1](#));
- 5 (8) Sexual assault (sections 11-37-2, 11-37-4);
- 6 (9) Homicide ~~section~~ [§§11-23-1 and 11-23-3](#));
- 7 (10) Violation of the provisions of a protective order entered pursuant to section 15-5-19,
- 8 chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order
- 9 and the penalty for its violation or a violation of a no contact order issued pursuant to section 12-
- 10 29-4;
- 11 (11) Stalking (~~sections 11-59-1 et seq.~~ [chapter 59 of title 11](#));
- 12 (12) Refusal to relinquish or to damage or to obstruct a telephone (~~section~~ [§11-35-14](#));
- 13 (13) Burglary and Unlawful Entry (~~section 11-8-1 et seq.~~ [chapter 8 of title 11](#));
- 14 (14) Arson (~~section 11-4-2 et seq.~~ [chapter 4 of title 11](#));
- 15 (15) Cyberstalking and cyberharassment (section 11-52-4.2); ~~and~~
- 16 (16) Domestic assault by strangulation ~~section~~ [§11-5-2.3](#); ~~and~~
- 17 [\(17\) Electronic tracking of motor vehicles \(§11-69-1\)](#).

18 (b) "Family or household member" means spouses, former spouses, adult persons related
19 by blood or marriage, adult persons who are presently residing together or who have resided
20 together in the past three (3) years, and persons who have a child in common regardless of
21 whether they have been married or have lived together, or if persons who are or have been in a
22 substantive dating or engagement relationship within the past one year which shall be determined
23 by the court's consideration of the following factors:

- 24 (1) the length of time of the relationship;
- 25 (2) the type of the relationship;
- 26 (3) the ~~frequency~~ [frequency](#) of the interaction between the parties.

27 (c) "Protective order" means an order issued pursuant to section 15-5-19, chapter 15 of
28 title 15, or chapter 8.1 of title 8.

29 (d) "Victim" means a family or household member who has been subjected to domestic
30 violence.

31 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES

1 This act would restrict the installation, concealment, or placement of an electronic
2 tracking device in or on a motor vehicle, and would add electronic tracking devices to the
3 definition of "domestic violence" under the "Domestic Violence Protection Act".

4 This act would take effect upon passage.

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