



Electronic Privacy Advisory Committee
Tuesday, November 30, 2010 10:00 a.m.
General Assembly Building, 6th Floor, Speaker's Conference Room

- Call to Order

Delegate May called the Committee meeting to order at 10:06 AM.

- Update on Status of GPS Tracking Device Legislation

Staff provided a recap and summary of the Committee's work on the drafted legislation currently being considered, including a summary of the work the Committee did on the bill at the last meeting. The standard in the bill is "intentionally deceptive means" in or on a vehicle. The term "vehicle" was changed from "motor vehicle" in order to capture more forms of vehicle. The bill made the prohibited act a class 3 misdemeanor, which entails not more than a \$500 fine, and no jail time.

With the standard now being "intentionally deceptive means," there may be legitimate reasons for placing a tracking device on a vehicle. The committee adjourned at their last meeting, however, before any exceptions could be considered. Therefore, the primary goal of this meeting was to consider any exceptions that may be warranted.

The original bill that had been introduced in the 2010 General Assembly Session (HB 670) included 3 exceptions: the original manufacturer of the vehicle, law-enforcement officers, and bail bondsmen. In addition, a similar bill that was passed by the Michigan legislature entailed a number of exceptions that may be applicable to the pending bill draft. A copy of the Michigan bill was handed out to committee members.

Delegate May emphasized that he wished to limit any exceptions to a relatively small number.

- Discussion of Potential Exceptions for Tracking Device Legislation

The Committee moved into a discussion of potential exceptions, including those with lawful authority (i.e., police, judicial officers, etc.), employers who may need to track vehicles being used by their employees, guardians and parents of minors, as well as bail bondsmen and private investigators.

The Committee heard from a representative of the private investigation community, who discussed the use of electronic tracking devices in the routine conduct of their private investigating business. She also discussed the requirements with which private investigators in Virginia must comply in order to operate as a business, including the licensing requirements through the Department of Criminal Justice Services.

No other public comment was received.

- Recommendations to JCOTS

The Committee determined to recommend the bill to JCOTS for its recommendation with two exceptions: Police officers/lawful officers of the court in the course of official duties, and parents/legal guardians of minors. The bill will be considered by JCOTS at its December 6, 2010 meeting.