WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3207

By Delegate Tully

[Introduced February 02, 2023; Referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-9d, relating to prohibiting the use of electronic tracking devices.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-9d. Use of electronic tracking devices; penalty.

(a) A person who installs or places an electronic tracking device through intentionally deceptive means and without consent, or causes an electronic tracking device to be installed or placed through intentionally deceptive means and without consent, and uses such device to track the location of a child who is subject to abuse and neglect proceedings, or subject to a custody dispute, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000 or confined in jail not more than 30 days.

(b) "Electronic tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position and movement of another person.

NOTE: The purpose of this bill is to is prohibit the use of electronic tracking devices in certain situations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.