

HOUSE BILL 172

E2

01r0838
CF SB 116

By: **Delegates Waldstreicher, Anderson, Barnes, Carter, Dumais, Lee, Rosenberg, Simmons, and Smigiel**
Introduced and read first time: January 20, 2010
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Use of Tracking Device by Law Enforcement Officer –**
3 **Search Warrant**

4 FOR the purpose of prohibiting a law enforcement officer from using a certain tracking
5 device to determine the location or movement of another individual unless a
6 certain search warrant has been issued; providing for the application of this Act;
7 defining a certain term; and generally relating to the use of tracking devices by
8 law enforcement officers.

9 BY adding to
10 Article – Criminal Procedure
11 Section 1–203(f)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Criminal Procedure**

17 1–203.

18 **(F) (1) IN THIS SUBSECTION “TRACKING DEVICE” MEANS AN**
19 **ELECTRONIC OR MECHANICAL DEVICE THAT, WHEN PLACED OR INSTALLED ON**
20 **AN INDIVIDUAL OR OBJECT, PERMITS ONE OR MORE OTHER INDIVIDUALS TO**
21 **REMOTELY DETERMINE OR TRACK THE LOCATION AND MOVEMENT OF THE**
22 **INDIVIDUAL ON WHOM, OR THE OBJECT ON WHICH, THE DEVICE IS PLACED OR**
23 **INSTALLED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(2) THIS SUBSECTION DOES NOT APPLY TO A TRACKING DEVICE**
2 **THAT IS INSTALLED OR USED:**

3 **(1) WITH THE KNOWLEDGE AND CONSENT OF THE**
4 **INDIVIDUAL BEING TRACKED; OR**

5 **(2) IN ACCORDANCE WITH A SANCTION IMPOSED OR ORDER**
6 **ISSUED BY A COURT.**

7 **(3) A LAW ENFORCEMENT OFFICER MAY NOT USE A TRACKING**
8 **DEVICE TO DETERMINE THE LOCATION OR MOVEMENT OF ANOTHER**
9 **INDIVIDUAL UNLESS A SEARCH WARRANT AUTHORIZING THE INSTALLATION**
10 **AND USE OF THE TRACKING DEVICE HAS BEEN ISSUED UNDER THIS SECTION.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2010.