



Senators Nathan H. Manning and Nickie J. Antonio
Sponsor Testimony: Senate Bill 100

Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the Ohio House Criminal Justice Committee, thank you for allowing me the opportunity to provide sponsor testimony on Senate Bill 100 on behalf of myself and Leader Antonio. This bill would create a statute that would generally prohibit the installation of an electronic tracking device on someone else's property without the other person's consent. The bill is a reintroduction of Senate Bill 339 from the last General Assembly.

The idea for this legislation came to us from Lynna Lai, an investigative reporter at WKYC (Channel 3, Cleveland), who investigated the use of devices, such as Apple's AirTags, to stalk and secretly track another person's every move. One such case in the report involved Kar'mell Triplett, a woman from Akron who unknowingly had an AirTag attached to her car and tracked her movements for 24 hours. During the course of the investigation, it was found that Ohio law did not explicitly outlaw the use of electronic tracking devices as a means of stalking. Currently, Ohio law relies on stalking and menacing statutes to address cases of unwanted tracking, but according to the investigation (which included research from Summit County Prosecutor's office) current statute is unclear when it comes to defining a "pattern of conduct" with an electronic device, and thus making application of the law inconsistent.

Senate Bill 100 would establish a new statute, making it clear that knowingly installing a tracking device or tracking application on another person's property without the other person's consent is prohibited. A violation would be a first degree misdemeanor that carries a maximum sentence of 180-days in jail and a maximum fine of \$1000. The violation would elevate to a fourth degree felony in certain circumstances such as:

- The violation is a repeat offense or the offender was previously convicted of menacing by stalking.
- At the time of the offense the offender was subject to a protection order.
- The offender has a history of violence toward the victim.
- Prior to committing the offense, the offender has been determined to represent a substantial risk of physical harm to others.

There is a list of exceptions to this statute that include:

- Law enforcement officers/agencies using devices as part of a criminal investigation or lawful performance of official duties.
- Parents and guardians of a minor child, including specific parameters for divorced/separated parents.
- Caregivers of an elderly person or disabled adult for the assurance of their well-being, requiring approval from the person's treating physician.
- A person acting in good faith on behalf of a business for a legitimate business purpose.
- An owner or lessee of a motor vehicle who installs or directs the installation of a tracking device.

We note that House Bill 91, introduced by Representative Tom Patton, also aims to prohibit the installation of electronic tracking devices without consent. That bill adds language onto the "menacing by stalking" statute, while Senate Bill 100 establishes a new statute to specifically address electronic tracking devices in a time when technology has become an integral part of our lives.

Currently, at least twenty-six states and the District of Columbia have addressed privacy concerns raised when individuals track the movements of others without their knowledge. Senate Bill 100 will add Ohio to that list, and hold people who use electronic tracking devices for nefarious purposes accountable for their actions.

Senator Bill 100 passed out of the Senate unanimously, and has received support from Attorney General Dave Yost, the Ohio Domestic Violence Network, and the Ohio Prosecuting Attorneys Association.

Thank you again for allowing me to deliver testimony on Senate Bill 100. I would be glad to answer questions at this time.