

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 100

Senators Manning, Antonio

A BILL

To enact section 2903.216 of the Revised Code to 1
generally prohibit a person from knowingly 2
installing a tracking device or application on 3
another person's property without the other 4
person's consent or failing to remove or ensure 5
removal of such a device or application from 6
another person's property if the other person 7
gave consent and subsequently revokes it. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2903.216 of the Revised Code be 9
enacted to read as follows: 10

Sec. 2903.216. (A) As used in this section: 11

(1) "Business entity" means any form of corporation, 12
partnership, association, cooperative, joint venture, business 13
trust, or sole proprietorship that conducts business in this 14
state. 15

(2) "Business of private investigation" and "private 16
investigator" have the same meanings as in section 4749.01 of 17
the Revised Code. 18

(3) "Disabled adult" and "elderly person" have the same 19
meanings as in section 2913.01 of the Revised Code. 20

(4) "Law enforcement agency" means any organization or 21
unit comprised of law enforcement officers, and also includes 22
any federal or military law enforcement agency. 23

(5) "Person" means an individual, but does not include a 24
business entity. 25

(6) "Ohio protection order" means a protection order 26
issued or consent agreement approved pursuant to section 2919.26 27
or 3113.31 of the Revised Code, a protection order issued 28
pursuant to section 2151.34, 2903.213, or 2903.214 of the 29
Revised Code, or a no contact order issued as any of the 30
following: 31

(a) As part of a person's sentence under a community 32
control sanction imposed under section 2929.16, 2929.17, 33
2929.26, or 2929.27 of the Revised Code; 34

(b) As a term or condition of a person's release under 35
section 2929.20 of the Revised Code; 36

(c) As a post-release control sanction imposed as a 37
condition of a person's post-release control under section 38
2967.28 of the Revised Code; 39

(d) As a term of supervision for a person transferred to 40
transitional control under section 2967.26 of the Revised Code; 41

(e) As a term or condition of the intervention plan of a 42
person granted intervention in lieu of conviction under section 43
2951.041 of the Revised Code. 44

(7) "Protection order issued by a court of another state" 45
has the same meaning as in section 2919.27 of the Revised Code. 46

(8) "Tracking application" means any software program, the primary purpose of which is to track or identify the location or movement of an individual. 47
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(9) "Tracking device" means any device, the primary purpose of which is to reveal its location or movement by the transmission of electronic signals. 50
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(B) Except as otherwise provided in division (D) of this section, no person shall knowingly do either of the following: 53
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(1) Install a tracking device or tracking application on another person's property without the other person's consent; 55
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(2) If the person installed a tracking device or tracking application on another's property with the other person's consent and the other person subsequently revokes that consent, fail to remove or ensure the removal of the device or application after the other person revokes the consent. 57
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(C) For purposes of this section, if a person has given consent for another to install a tracking device or tracking application on the consenting person's property, it is presumed that the consenting person has revoked that consent if any of the following applies: 62
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(1) The consenting person and the person to whom consent was given are lawfully married and one of them files a petition for divorce or dissolution of marriage from the other; 67
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(2) The consenting person or the person to whom consent was given files a petition or motion under section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code requesting the issuance against the other person of an Ohio protection order under the section; 70
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(3) An Ohio protection order is issued against the other person, and the person to be protected under the order is the consenting person. 75
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(D) This section does not apply to any of the following: 78

(1) A law enforcement officer, or any law enforcement agency, that lawfully installs a tracking device or tracking application on another person's property as part of a criminal investigation; 79
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(2) A parent or legal guardian of a minor child who installs a tracking device or tracking application on the minor child's property if any of the following applies: 83
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(a) The parents or legal guardians of the child are lawfully married to each other and are not separated or otherwise living apart, and either of those parents or legal guardians consents to the installation of the tracking device or tracking application; 86
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(b) The parent or legal guardian of the child is the sole surviving parent or legal guardian of the child; 91
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(c) The parent or legal guardian of the child has sole custody of the child; 93
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(d) The parents or legal guardians of the child are divorced, separated, or otherwise living apart and both consent to the installation of the tracking device or tracking application. 95
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(3) A caregiver of an elderly person or disabled adult, if the elderly person's or disabled adult's treating physician certifies that the installation of a tracking device or tracking application onto the elderly person's or disabled adult's 99
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property is necessary to ensure the safety of the elderly person 103
or disabled adult; 104

(4) A person acting in good faith on behalf of a business 105
entity for a legitimate business purpose, provided that this 106
division does not apply to a private investigator engaged in the 107
business of private investigation on behalf of another person; 108

(5) A private investigator who is acting in the normal 109
course of the investigator's business of private investigation 110
on behalf of another person and who has the consent of the owner 111
of the property upon which the tracking device or tracking 112
application is installed, provided that this division does not 113
apply if the person on whose behalf the private investigator is 114
working is the subject of an Ohio protection order or a 115
protection order issued by a court of another state or if the 116
private investigator knows or reasonably should know that the 117
person on whose behalf the private investigator is working seeks 118
the investigator's services to aid in the commission of a crime; 119

(6) An owner or lessee of a motor vehicle who installs, or 120
directs the installation of, a tracking device or tracking 121
application on the vehicle during the period of ownership or 122
lease, if any of the following applies: 123

(a) The tracking device or tracking application is removed 124
before the vehicle's title is transferred or the vehicle's lease 125
expires; 126

(b) The new owner of the vehicle, in the case of a sale, 127
or the lessor of the vehicle, in the case of an expired lease, 128
consents in writing to the non-removal of the tracking device or 129
tracking application; 130

(c) The owner of the vehicle at the time of the 131

installation of the tracking device or tracking application was 132
the original manufacturer of the vehicle. 133

(E) Whoever violates this section is guilty of "illegal 134
use of a tracking device or application," a misdemeanor of the 135
first degree. 136