

H. B. No. 91  
As Introduced

\_\_\_\_\_ moved to amend as follows:

In line 3 of the title, after "installing" insert "or using"; after "on" insert "another person or" 1 2

In line 34, delete "(B) (3)" and insert "(B) (2)" 3

In line 35, delete "install" and insert "do any of the following  
without the other person's consent:" 4 5

(a) Install" 6

In line 36, after "another" insert "person or another" 7

In line 37, delete "without the other person's consent" and insert  
";" 8 9

(b) Use a tracking device or tracking application to  
remotely determine or track the position or movement of another  
person or another person's property" 10 11 12

In line 38, delete "For purposes of this section, if a person has  
given" 13 14

Delete lines 39 through 50 15



In line 51, delete " <u>(3)</u> "	16
In line 56, delete " <u>minor</u> "	17
In line 57, after " <u>installs</u> " insert " <u>or uses</u> "; delete " <u>on the minor</u> "	18
In line 58, delete " <u>child's property</u> " and insert " <u>to remotely</u> <u>determine or track the position or movement of the parent's or legal</u> <u>guardian's child,</u> "	19 20 21
In line 69, after " <u>apart</u> " insert " <u>, both are subject to a shared</u> <u>parenting decree or order,</u> "	22 23
In line 83, delete " <u>(B) (3)</u> " and insert " <u>(B) (2)</u> "	24
After line 98, insert:	25
" <u>(f) A probation officer, parole officer, or employee of</u> <u>the department of rehabilitation and correction, if the officer</u> <u>or employee is engaged in the lawful performance of the</u> <u>officer's or employee's official duties.</u> "	26 27 28 29
In line 170, delete " <u>(D) Whoever</u> " and insert " <u>(D) (1) Except as</u> <u>otherwise provided in division (D) (2) of this section, whoever</u> "	30 31
After line 172, insert:	32
" <u>(2) Illegal use of a tracking device or application is a</u> <u>felony of the fourth degree, if division (C) (2) (a), (e), (g), or</u> <u>(i) of this section applies.</u> "	33 34 35
In line 269, delete " <u>,</u> "	36
In line 270, delete " <u>the primary purpose of which is to track or</u> <u>identify</u> " and insert " <u>that allows a person to remotely determine or track</u> "	37 38
In line 271, delete " <u>location</u> " and insert " <u>position</u> "; delete " <u>an</u> <u>individual</u> " and insert " <u>another person or another person's property</u> "	39 40

In line 272, after "any" insert "electronic or mechanical"; delete 41  
", the primary" 42

In line 273, delete "purpose of which is to reveal its location" and 43  
insert "that allows a person to remotely determine or track the position"; 44  
delete "by the" 45

In line 274, delete "transmission"; delete "electronic signals" and 46  
insert "another person or another person's property" 47

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 48

**Prohibition on using and installing a tracking device or 49  
application** 50

**R.C. 2903.211** 51

Prohibits a person from doing either of the following: 52

- Installing a tracking device or tracking application on 53  
another person, in addition to another person's property; 54

- Using a tracking device or tracking application to 55  
remotely determine or track the position or movement of another 56  
person or another person's property. 57

**Revocation of consent** 58

**R.C. 2903.211** 59

Removes the circumstances in which a person's consent for 60  
another to install a tracking device or tracking device on the 61  
consenting person's property is presumed to be revoked. 62

<b>Exceptions to the prohibition</b>	63
<b>R.C. 2903.211</b>	64
Modifies an exception to provide that the bill does apply	65
to a parent or legal guardian of a child who installs or uses a	66
tracking device or application to remotely determine or track	67
the position or movement of the parent's or legal guardian's	68
child, rather than the child's property, in specified	69
circumstances.	70
Adds an exception to provide that the bill does not apply	71
to a probation officer, parole officer, or employee of the	72
Department of Rehabilitation and Correction, if the officer or	73
employee is engaged in the lawful performance of the officer's	74
or employee's official duties.	75
<b>Increased penalty</b>	76
<b>R.C. 2903.211</b>	77
Increases the penalty for a violation of the prohibition	78
to a fourth degree felony if either of the following apply:	79
- The offender previously has been convicted of or pleaded	80
guilty to menacing by stalking or aggravated trespass.	81
- The offender has a history of violence toward the victim	82
or any other person or has a history of other violent acts	83
toward the victim or any other person.	84
- At the time of the commission of the offense, the	85
offender was subject to a protection order, regardless of	86
whether the person to be protected under the order is the victim	87
of the offense or another person.	88
- Prior to committing the offense, the offender had been	89

determined to represent a substantial risk of physical harm to	90
others as manifested by evidence of then-recent homicidal or	91
other violent behavior, evidence of then-recent threats that	92
placed another in reasonable fear of violent behavior and	93
serious physical harm, or other evidence of then-present	94
dangerousness.	95