

As Introduced

134th General Assembly  
Regular Session  
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S. B. No. 339

Senators Manning, Antonio

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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. 5

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

**Section 1.** That section 2903.216 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 2903.216.** (A) As used in this section: 8

(1) "Business entity" means any form of corporation, 9  
partnership, association, cooperative, joint venture, business 10  
trust, or sole proprietorship that conducts business in this 11  
state. 12

(2) "Business of private investigation" and "private 13  
investigator" have the same meanings as in section 4749.01 of 14  
the Revised Code. 15

(3) "Disabled adult" and "elderly person" have the same 16  
meanings as in section 2913.01 of the Revised Code. 17

(4) "Law enforcement agency" means any organization or 18

unit comprised of law enforcement officers, and also includes 19  
any federal or military law enforcement agency. 20

(5) "Person" means an individual, but does not include a 21  
business entity. 22

(6) "Tracking application" means any software program, the 23  
primary purpose of which is to track or identify the location or 24  
movement of an individual. 25

(7) "Tracking device" means any device, the primary 26  
purpose of which is to reveal its location or movement by the 27  
transmission of electronic signals. 28

(B) Except as otherwise provided in division (D) of this 29  
section, no person shall knowingly install a tracking device or 30  
tracking application on another person's property without the 31  
other person's consent. 32

(C) For purposes of this section, if a person has given 33  
consent for another to install a tracking device or tracking 34  
application on the consenting person's property, the consenting 35  
person's consent is presumed to be revoked if either of the 36  
following applies: 37

(1) The consenting person and the person to whom consent 38  
was given are lawfully married and one of them files a petition 39  
for divorce or dissolution of marriage from the other; 40

(2) The consenting person or the person to whom consent 41  
was given files a petition or motion under section 2151.34, 42  
2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code 43  
requesting the issuance against the other person of a protection 44  
order or temporary protection order. 45

(D) This section does not apply to any of the following: 46

(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; 47  
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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: 51  
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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; 54  
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(b) The parent or legal guardian of the child is the sole surviving parent or legal guardian of the child; 59  
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(c) The parent or legal guardian of the child has sole custody of the child; 61  
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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. 63  
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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 property is necessary to ensure the safety of the elderly person or disabled adult; 67  
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(4) A person acting in good faith on behalf of a business entity for a legitimate business purpose, provided that this division does not apply to a private investigator engaged in the 73  
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business of private investigation on behalf of another person 76  
unless the activities would otherwise be exempt under division 77  
(D) of this section if performed by the person engaging the 78  
private investigator; 79

(5) An owner or lessee of a motor vehicle who installs, or 80  
directs the installation of, a tracking device or tracking 81  
application on the vehicle during the period of ownership or 82  
lease, if any of the following applies: 83

(a) The tracking device or tracking application is removed 84  
before the vehicle's title is transferred or the vehicle's lease 85  
expires; 86

(b) The new owner of the vehicle, in the case of a sale, 87  
or the lessor of the vehicle, in the case of an expired lease, 88  
consents in writing to the non-removal of the tracking device or 89  
tracking application; 90

(c) The owner of the vehicle at the time of the 91  
installation of the tracking device or tracking application was 92  
the original manufacturer of the vehicle. 93

(E) Whoever violates this section is guilty of "illegal 94  
use of a tracking device or application," a misdemeanor of the 95  
first degree. 96