

Amendment No. 322

Assembly Amendment to Assembly Bill No. 356	(BDR 15-1007)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: Yes Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MR/BAW



Date: 4/17/2023

A.B. No. 356—Enacts provisions relating to mobile tracking devices.  
(BDR 15-1007)





ASSEMBLY BILL NO. 356—ASSEMBLYMEN DICKMAN, LA RUE HATCH, ANDERSON, HANSEN, KASAMA; CARTER, D’SILVA, DURAN, GALLANT, GRAY, GURR, HAFEN, HARDY, KOENIG, MCARTHUR, MOSCA, O’NEILL, TAYLOR, WATTS, YEAGER, AND YUREK

MARCH 20, 2023

JOINT SPONSORS: SENATORS SEEVERS GANSERT, GOICOECHEA, TITUS, HANSEN; FLORES AND NEAL

Referred to Committee on Judiciary

SUMMARY—Enacts provisions relating to mobile tracking devices. (BDR 15-1007)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to mobile tracking devices; prohibiting a person from installing, concealing or otherwise placing a mobile tracking device in or on the motor vehicle of another person under certain circumstances; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 The United States District Court for the District of Nevada has held that using a GPS  
2 tracking device to monitor the movements of a person implicates the tort of invasion of  
3 privacy because a person has a reasonable expectation of privacy with respect to his or her  
4 daily movements in a motor vehicle. (*Ringelberg v. Vanguard Integrity Prof’ls-Nev., Inc.*, No.  
5 2:17-CV-01788-JAD-PAL (D. Nev. Dec. 3, 2018)) Existing law does not expressly prohibit a  
6 person from installing a tracking device on the motor vehicle of another person. This bill  
7 expressly provides that a person commits the crime of unlawful installation of a mobile  
8 tracking device if the person installs, conceals or otherwise places a mobile tracking device in  
9 or on the motor vehicle of another person without the knowledge and consent of an owner or  
10 lessor of the motor vehicle, unless the person is a ~~[- (1) ]~~ law enforcement officer who installs,  
11 conceals or otherwise places a mobile tracking device in or on a motor vehicle pursuant to a  
12 warrant or court order. ~~[- (2) manufacturer of a motor vehicle; and (3) certain creditors.]~~ This  
13 bill provides that a person who commits any such offense is guilty of: (1) for the first offense,  
14 a misdemeanor; (2) for the second offense, a gross misdemeanor; or (3) for the third or any  
15 subsequent offense, a category C felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** Chapter 200 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3       1. *Except as otherwise provided in subsection 2, a person commits the crime*  
4 *of unlawful installation of a mobile tracking device if the person knowingly*  
5 *installs, conceals or otherwise places a mobile tracking device in or on the motor*  
6 *vehicle of another person without the knowledge and consent of an owner or*  
7 *lessor of the motor vehicle.*

8       2. *The provisions of subsection 1 do not apply to ~~f~~*  
9 ~~*(a) A law enforcement officer who installs, conceals or otherwise places a*~~  
10 ~~*mobile tracking device in or on a motor vehicle pursuant to a warrant or court*~~  
11 ~~*order.*~~ ~~*f*~~

12 ~~*(b) A manufacturer of a motor vehicle who installs a tracking system in a*~~  
13 ~~*motor vehicle; or*~~

14 ~~*(c) A creditor who installs any electronic tracking technology pursuant to*~~  
15 ~~*NRS 598.0701 to 598.0710, inclusive.*~~

16       3. *A person who commits the crime of unlawful installation of a mobile*  
17 *tracking device is guilty of:*

18       (a) *For the first offense, a misdemeanor.*

19       (b) *For the second offense, a gross misdemeanor.*

20       (c) *For the third or any subsequent offense, a category C felony and shall be*  
21 *punished as provided in NRS 193.130.*

22       4. *As used in this section, “mobile tracking device” means any device that*  
23 *permits a person to track the movement or location of another person or object*  
24 *through the transmission of any signal, including, without limitation, a radio or*  
25 *electronic signal.*

26       **Sec. 2.** This act becomes effective on July 1, 2023.