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HOUSE FLOOR AMENDMENTS

2016 Regular Session

Amendments proposed by Representative Havard to Engrossed House Bill No. 254 by Representative Havard

1 AMENDMENT NO. 1

2 On page 1, , delete lines 11 and 12 in their entirety and insert the following:

3 "A. It shall be unlawful for any person to use a cellular tracking device for
4 the purpose of collecting, intercepting, accessing, transferring, or forwarding the data
5 transmitted or received by the communications device, or stored on the
6 communications device of another without the consent of a party to the
7 communication and by intentionally deceptive means."

8 AMENDMENT NO. 2

9 On page 1, delete lines 14 through 19 in their entirety

10 AMENDMENT NO. 3

11 On page 2, delete lines 1 through 8 in their entirety and insert the following:

12 "(1) "Cellular tracking device" means a device that transmits or receives
13 radio waves to or from a communications device in a manner that interferes with the
14 normal functioning of the communications device or communications network and
15 that can be used to intercept, collect, access, transfer, or forward the data transmitted
16 or received by the communications device, or stored on the communications device;
17 includes an international mobile subscriber identity (IMSI) catcher or other cell
18 phone or telephone surveillance or eavesdropping device that mimics a cellular base
19 station and transmits radio waves that cause cell phones or other communications
20 devices in the area to transmit or receive radio waves, electronic data, location data,
21 information used to calculate location, identifying information, communications
22 content, or metadata, or otherwise obtains this information through passive means,
23 such as through the use of a digital analyzer or other passive interception device; and
24 does not include any device used or installed by an electric utility solely to the extent
25 such device is used by that utility to measure electrical usage, to provide services to
26 customers, or to operate the electric grid."

27 AMENDMENT NO. 4

28 On page 4, between lines 1 and 2, insert the following:

29 "(11) A provider of a mobile application or similar technology that a
30 consumer affirmatively chooses to download onto the consumer's wireless device,
31 or any technology used in conjunction with the mobile application or similar
32 technology.

33 (12) Any use of technology provided by an entity based upon the prior
34 consent of a consumer for such use.

35 (13) A person acting in good faith on behalf of a business entity for a
36 legitimate business purpose."

1 AMENDMENT NO. 5

2 On page 4, delete lines 16 through 26 in their entirety

3 AMENDMENT NO. 6

4 On page 5, delete lines 1 through 3 in their entirety and insert the following:

5 "(3.1) "Cellular tracking device" means a device that transmits or receives
6 radio waves to or from a communications device in a manner that interferes with the
7 normal functioning of the communications device or communications network and
8 that can be used to intercept, collect, access, transfer, or forward the data transmitted
9 or received by the communications device, or stored on the communications device;
10 includes an international mobile subscriber identity (IMSI) catcher or other cell
11 phone or telephone surveillance or eavesdropping device that mimics a cellular base
12 station and transmits radio waves that cause cell phones or other communications
13 devices in the area to transmit or receive radio waves, electronic data, location data,
14 information used to calculate location, identifying information, communications
15 content, or metadata, or otherwise obtains this information through passive means,
16 such as through the use of a digital analyzer or other passive interception device; and
17 does not include any device used or installed by an electric utility solely to the extent
18 such device is used by that utility to measure electrical usage, to provide services to
19 customers, or to operate the electric grid."

20 AMENDMENT NO. 7

21 On page 5, line 17, after "Upon" and before "the" insert "receipt of a court order issued
22 pursuant to"

23 AMENDMENT NO. 8

24 On page 5, line 22, after "accomplish the" and before "of a" delete "installation or use" and
25 insert "placement by the applicant"