

Regular Session, 2013

HOUSE BILL NO. 361

BY REPRESENTATIVE RITCHIE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides relative to the use of a tracking device to track the location or movements of a minor child by parents

1 AN ACT

2 To amend and reenact R.S. 14:323(C)(4), relative to prohibited uses of tracking devices; to
3 provide relative to the crime prohibiting certain uses of tracking devices; to amend
4 the exception for parents of a minor child; to require the consent of both parents of
5 the minor child in certain situations in order for the exception to apply; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:323(C)(4) is hereby amended and reenacted to read as follows:

9 §323. Tracking devices prohibited; penalty

10 * * *

11 C. The provisions of this Section shall not apply to the following:

12 * * *

13 (4)(a) A parent or legal guardian of a minor child whose location or
14 movements are being tracked by the parent or legal guardian.

15 (b) When the parents of the minor child are judicially separated or divorced,
16 this exception shall only apply if both parents consent to the tracking of the minor
17 child's location and movements.

18 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ritchie

HB No. 361

Abstract: When the parents of a minor child are divorced or judicially separated, requires both parents to consent to the tracking of the minor child in order for the tracking to be excluded from the crime regarding prohibited uses of tracking devices.

Present law prohibits the use of tracking devices to determine the location or movement of another person without the consent of that person. Present law penalties include a fine of \$100 to \$500, imprisonment for not more than six months, or both.

Present law further provides for certain exceptions to this prohibition, including a parent or legal guardian of a minor child whose location or movements are being tracked by the parent or legal guardian.

Proposed law retains present law and provides that when the parents of the minor child are divorced or judicially separated, this exception shall only apply if both parents consent to the tracking of the minor child.

(Amends R.S. 14:323(C)(4))