SLS 13RS-137

Regular Session, 2013

SENATE CONCURRENT RESOLUTION NO. 8

BY SENATOR NEVERS

CHILDREN. Requests the Louisiana State Law Institute to study the feasibility of requiring the consent of both parents of a child to track that child by GPS.

1	A CONCURRENT RESOLUTION
2	To urge and request the Louisiana State Law Institute to study whether the state should
3	require the consent of both of a child's parents to track the child by tracking device,
4	including a Global Positioning System (GPS) tracking device, and whether such a
5	requirement may conflict with current legal authority granted to parents with sole or
6	joint custody of their child.
7	WHEREAS, La. R.S. 14:323(A) currently prohibits any person from using a tracking
8	device to determine the location or movement of another person without the consent of that
9	person; and
10	WHEREAS, La. R.S. 14:323(C) provides a list of exceptions to such prohibition on
11	tracking devices; and
12	WHEREAS, one of those exceptions, La. R.S. 14:323 (C)(4), allows a parent or legal
13	guardian to track the location or movements of their minor child; and
14	WHEREAS, such exception in its present form could potentially be used to track an
15	adult parent with the child, rather than simply tracking the child; and
16	WHEREAS, one parent may not want their child to be tracked; and
17	WHEREAS, such exception should therefore be studied to determine whether the
18	state should revise the exception to require the consent of both parents to track the location

1	or movements of a minor child; and
2	WHEREAS, the legislature does not seek to hinder or limit the authority of a parent
3	to whom the court has granted sole custody of a child or the rights of parents having joint
4	custody of a child; and
5	WHEREAS, the study should therefore include review of whether such proposed
6	revision to the language of the current exception would conflict with existing state laws
7	relating to the legal authority of parents having sole or joint custody of children in cases of
8	divorce.
9	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
10	urge and request the Louisiana State Law Institute to study whether state law should be
11	revised to require the consent of both of a child's parents to track the child by tracking
12	device, including a Global Positioning System (GPS) tracking device.
13	BE IT FURTHER RESOLVED that a copy of the Law Institute report, together with
14	any proposed legislation, shall be submitted to the Legislature of Louisiana not later than
15	February 15, 2014.
16	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
17	director of the Louisiana State Law Institute.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

Nevers

DIGEST

SCR No. 8

Requests the Louisiana State Law Institute to study the feasibility of revising state law to require the consent of both of a child's parents to track the child by tracking device, including a Global Positioning System (GPS) tracking device.