

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 living separate and apart or are  
16 divorced from one another, this exception shall apply only if both parents consent to  
17 the tracking of the minor child's location and movements, unless one parent has been  
18 granted sole custody, in which case consent of the noncustodial parent shall not be  
19 required.

20 \* \* \*

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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)]

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Ritchie

HB No. 361

**Abstract:** When the parents of a minor child are living separate and apart or are divorced, 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 living separate and apart or are divorced from one another, this exception shall only apply if both parents consent to the tracking of the minor child's location and movements, unless one parent has been granted sole custody, in which case consent of the noncustodial parent shall not be required.

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Changed the criteria from being "judicially separated" to "living separate and apart" and provided an exception for a parent who has been granted sole custody in which case the custodial parent shall not have to obtain consent from the noncustodial parent.