



General Assembly

February Session, 2012

Amendment

LCO No. 4446

SB0044304446SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. DOYLE, 9th Dist.

SEN. LEBEAU, 3rd Dist.
SEN. DUFF, 25th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.

To: Senate Bill No. **443**

File No. 430

Cal. No. 317

"AN ACT CONCERNING ILLEGAL ELECTRONIC MONITORING."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2012*) (a) As used in this
4 section:

5 (1) "Electronic monitoring device" means an electronic or
6 mechanical device, including, but not limited to, a global positioning
7 system device, that permits a person to remotely determine or track
8 the position or movement of another person. "Electronic monitoring
9 device" includes, but is not limited to, a device in a cellular radio
10 telephone, as defined in section 53a-187 of the general statutes, that
11 permits a person to remotely determine or track the position or
12 movement of the person in possession of the cellular radio telephone.
13 "Electronic monitoring device" does not include an electronic security,

14 fire, integrated alarm or video surveillance system;

15 (2) "Fleet vehicle" means (A) one or more motor vehicles used by a
16 person and operated by employees or agents for business or
17 governmental purposes, (B) motor vehicles held for lease or rental to
18 the general public, or (C) motor vehicles held for sale by a new motor
19 vehicle dealer or used motor vehicle dealer licensed in accordance with
20 section 14-52 of the general statutes; and

21 (3) "Person" has the meaning provided in section 53a-3 of the
22 general statutes.

23 (b) A person is guilty of illegal electronic monitoring when such
24 person, through deceptive means, installs, places or uses an electronic
25 monitoring device, or causes an electronic monitoring device to be
26 installed, placed or used, to remotely determine or track the position or
27 movement of any other person without the consent of the other
28 person.

29 (c) The provisions of this section shall not apply to the installation,
30 placement or use of an electronic monitoring device by:

31 (1) Any authorized employee or agent of a local, state or federal law
32 enforcement agency while such employee or agent is engaged in
33 authorized investigative, protective, law enforcement or intelligence
34 gathering activities;

35 (2) (A) The parent or guardian of a minor when determining or
36 tracking the position or movement of the minor, or (B) any person
37 having custody or control, or providing supervision, of a minor when
38 determining or tracking the position or movement of the minor to the
39 extent authorized by the parent or guardian of the minor;

40 (3) A guardian or conservator of a person when determining or
41 tracking the position or movement of the person pursuant to specific
42 authorization of the court that appointed the guardian or conservator;

43 (4) The owner of fleet vehicles when determining or tracking the

44 position or movement of such vehicles;

45 (5) An employer when determining or tracking the position or
46 movement of an employee in the performance of the employee's
47 assigned duties;

48 (6) A person, pursuant to a contract between the person and an
49 independent contractor for the provisions of goods or services by the
50 independent contractor to the person, when the person is determining
51 or tracking the position or movement of the independent contractor in
52 the performance of such independent contractor's duties under the
53 contract;

54 (7) A telephone company, or a certified telecommunications
55 provider, as defined in section 16-1 of the general statutes, or any
56 provider of mobile service, as defined in 47 USC 153, as amended from
57 time to time, to the extent that such installation, placement or use is
58 disclosed in the company's or provider's written terms of use, privacy
59 policy or similar document made available to the consumer; or

60 (8) A person, institution, hospital, residential care home, home
61 health care agency, homemaker-home health aide agency, home health
62 agency, mental health facility, alcohol or drug treatment facility or
63 assisted living services agency, each as defined in section 19a-490 of
64 the general statutes, a nursing home facility, as defined in section 19a-
65 521 of the general statutes, a community residence, as defined in
66 section 19a-507a of the general statutes, any other health care facility or
67 long-term care facility licensed by the Department of Public Health, or
68 an adult day care center, to the extent that such installation, placement
69 or use is part of the plan of care or treatment for the patient, resident or
70 client and is disclosed to the patient, resident or client or the legal
71 representative of such patient, resident or client.

72 (d) Illegal electronic monitoring is a class A misdemeanor."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section