



General Assembly

**Amendment**

February Session, 2012

LCO No. 4281

**\*SB0044304281SD0\***

Offered by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.  
SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. COLEMAN, 2<sup>nd</sup> Dist.  
SEN. DOYLE, 9<sup>th</sup> Dist.

SEN. LEBEAU, 3<sup>rd</sup> Dist.  
SEN. DUFF, 25<sup>th</sup> Dist.  
SEN. SLOSSBERG, 14<sup>th</sup> Dist.  
SEN. STILLMAN, 20<sup>th</sup> 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) A law enforcement officer, an employee of the Judicial  
32 Department, Department of Correction or Department of Motor  
33 Vehicles or an employee of any other state agency when such officer or  
34 employee is engaged in the performance of official duties and in  
35 accordance with state or federal law;

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

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

44 (4) The owner of fleet vehicles when determining or tracking the  
45 position or movement of such vehicles;

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

52 (6) A person, institution, hospital, residential care home, home  
53 health care agency, homemaker-home health aide agency, home health  
54 agency, mental health facility, alcohol or drug treatment facility or  
55 assisted living services agency, as defined in section 19a-490 of the  
56 general statutes, to the extent that such installation, placement or use is  
57 part of the plan of care or treatment for the patient, resident or client  
58 and is disclosed to the patient, resident or client or the legal  
59 representative of such patient, resident or client.

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

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