

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1549

STATE OF NEW JERSEY
220th LEGISLATURE

ADOPTED JUNE 2, 2022

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

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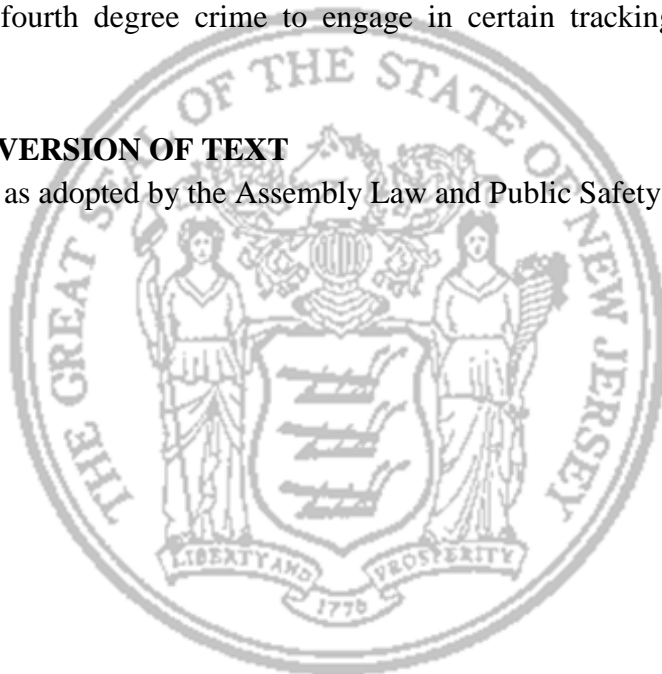
**Assemblyman Verrelli, Assemblywoman Haider, Assemblyman Stanley,
Assemblywomen Park, Piperno, Eulner, Jaffer, Reynolds-Jackson,
McKnight and Mosquera**

SYNOPSIS

Makes it fourth degree crime to engage in certain tracking and location activities.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Law and Public Safety Committee.



(Sponsorship Updated As Of: 6/16/2022)

1 AN ACT concerning electronic tracking devices and tracking
2 applications and supplementing Title 2C of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. As used in this act:

9 “Electronic tracking device” means any device used to track the
10 location or movement of a person that reveals its location or
11 movement by the transmission of electronic signals.

12 “Tracking application” means any computer application software
13 installed or otherwise operational on a computer or mobile device
14 that may be used to track the movement or determine the location of
15 the computer or mobile device.

16 b. A person who, for an unlawful purpose uses an electronic
17 tracking device or tracking application to track or determine the
18 location of another person commits a crime of the fourth degree.

19 c. For the purposes of this act, the following uses of an
20 electronic tracking device or tracking application shall be
21 considered lawful:

22 (1) by the parent or guardian of a minor child for the purpose of
23 tracking or determining the location of the minor child;

24 (2) for the purpose of monitoring, tracking, or locating a person
25 who, due to a physical or mental health condition, may be at risk of
26 injury or death;

27 (3) by a person who has obtained the consent of the person to be
28 tracked or located, in accordance with subsection e. of this section;

29 (4) by a person in order to track or locate personal property
30 during a lawful business transaction in which the person’s personal
31 property is in the temporary possession or otherwise under the
32 control of a third party;

33 (5) by a person collecting consumer location data as part of a
34 lawful business practice, and with notice to the consumer; or

35 (6) by a person acting in accordance with the provisions of
36 section 1 of P.L.2021, c.449 (C.34:6B-22) or any other State or
37 federal law or regulation.

38 d. Except as otherwise provided in subsections c. and f. of this
39 section, there shall be a permissive inference that the use of an
40 electronic tracking device or tracking application to conduct
41 surreptitious surveillance of another person is for an unlawful
42 purpose, including, but not limited to, stalking as provided in
43 N.J.S.2C:12-10 or harassment as provided in N.J.S.2C:33-4.

44 e. (1) For the purposes of obtaining consent to use an
45 electronic tracking device or a tracking application in accordance
46 with subsection c. of this section, the person to be tracked or
47 located shall provide consent in writing, in the case of an electronic

- 1 tracking device, or by opting-in to or otherwise affirmatively
2 accepting the use of the application, in the case of a tracking
3 application.
- 4 (2) For the purposes of this act, a person's consent is presumed
5 to be revoked if:
- 6 (a) the person who gave consent and the person who obtained
7 consent are spouses, civil union partners, or domestic partners, and
8 one person has filed a petition for divorce, dissolution of the civil
9 union, or termination of the domestic partnership; or
- 10 (b) the person who gave consent or the person who obtained
11 consent has filed an application for a temporary or final restraining
12 order pursuant to the provisions of the "Prevention of Domestic
13 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.).
- 14 f. The provisions of subsection b. of this section shall not
15 apply to State or local government entities and equipment, leased,
16 owned, or operated by those entities.
- 17
- 18 2. This act shall take effect on the first day of the fourth month
19 next following the date of enactment.