



## Fact Sheet Series for the 135th General Assembly

### Senate Bill 100:

Prohibit installing tracking device or app without consent

Sponsors: Senator Manning, Senator Antonio

#### Current law:

Current Ohio law does not *explicitly prohibit* the use of electronic tracking devices as a means of stalking. Instead, Ohio law relies on existing stalking and menacing statutes to address cases of unwanted tracking, but current statute is unclear when it comes to defining a “pattern of conduct” with an electronic device, thus making application of the law inconsistent.

#### If passed, this legislation would:

- Prohibit a person from knowingly installing a tracking device or tracking application on another person’s property without the other person’s consent (or after consent is revoked).
  - A violation would result in a first degree misdemeanor.
  - The violation would elevate to a fourth degree felony in certain circumstances:
    - The violation is a repeat offense or the offender was previously convicted of menacing by stalking.
    - At the time of the offense the offender was subject to a protection order.
    - The offender has a history of violence toward the victim.
    - Prior to committing the offense, the offender has been determined to represent a substantial risk of physical harm to others.
  - Certain exceptions include:
    - Law enforcement officers/agencies using devices as part of a criminal investigation or lawful performance of official duties.
    - Parents and guardians of a minor child, including specific parameters for divorced/separated parents.
    - Caregivers of an elderly person or disabled adult for the assurance of their well-being, requiring approval from the person’s treating physician.
    - A person acting in good faith on behalf of a business for a legitimate business purpose.
    - An owner or lessee of a motor vehicle who installs or directs the installation of a tracking device.

#### Why this bill is important:

- Stalking is a prevalent victimization and the majority of stalkers use (or misuse) technology to monitor, watch, contact, control, threaten, sabotage, isolate, and frighten victims, as well as to damage victims’ credibility or reputation.
- [The Bureau of Justice Statistics \(BJS\)](#) reports that 80% of stalking victims report being stalked with technology, 14% of whom were tracked with a device or app.
- With the rise in popularity of personal tracking devices (such as Tile and Apple Airtag), stalkers have increased means to track and harm victims.