
HOUSE BILL 2816

State of Washington

62nd Legislature

2012 Regular Session

By Representative Kelley

Read first time 03/02/12. Referred to Committee on Judiciary.

1 AN ACT Relating to intercepting geolocation information; adding a
2 new section to chapter 9.73 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.73 RCW
5 to read as follows:

6 (1) Except as provided in subsection (3) of this section, it is
7 unlawful for any person to intentionally intercept, endeavor to
8 intercept, or procure any other person to intercept or endeavor to
9 intercept, geolocation information pertaining to another person.

10 (2) For the purposes of this section:

11 (a) "Geolocation information" means, with respect to a person, any
12 information, that is not the content of a communication, concerning the
13 location of a wireless communication device or tracking device that, in
14 whole or in part, is generated by or derived from the operation of that
15 device and that could be used to determine or infer information
16 regarding the location of the person.

17 (b) "Intercept" means the acquisition of geolocation information
18 through the use of any electronic, mechanical, or other device.

19 (3) It is not unlawful under this section for:

1 (a) A person to intercept geolocation information pertaining to
2 another person if such other person has given prior consent to such
3 interception unless such information is intercepted for the purpose of
4 committing any criminal or tortious act in violation of the
5 Constitution or laws of the United States or of any state;

6 (b) A parent or legal guardian of a child to intercept geolocation
7 information pertaining to that child or to give consent for another
8 person to intercept such information;

9 (c) A person acting under color of law to intercept geolocation
10 information pertaining to the location of another person who has
11 unlawfully taken the device sending the geolocation information if:

12 (i) The owner or operator of such device authorizes the
13 interception of the person's geolocation information;

14 (ii) The person acting under color of law is lawfully engaged in an
15 investigation; and

16 (iii) The person acting under color of law has reasonable grounds
17 to believe that the geolocation information of the other person will be
18 relevant to the investigation.

19 (4) This section shall neither restrict nor expand the authority of
20 a law enforcement or peace officer, community corrections officer, or
21 emergency responder performing his or her official duties.

22 (5) Except as otherwise provided in this chapter, any person who
23 violates this section is guilty of a gross misdemeanor.

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