

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 919 & 1081
102ND GENERAL ASSEMBLY

1937H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 105 and 565, RSMo, by adding thereto two new sections relating to privacy protections, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 105 and 565, RSMo, are amended by adding thereto two new sections, to be known as sections 105.1675 and 565.260, to read as follows:

105.1675. 1. This section shall be known and may be cited as "The Anti-Surveillance and Foreign Intervention Act".

2. No elected or appointed member or employee of any state entity shall use, operate, or download on a state-owned device any social media application that is owned, in whole or in part, by the Chinese government or any company that shares its user's data with the Chinese Communist Party. This section shall not apply to military or law enforcement agencies when doing so is in keeping with the fulfillment of their duties.

565.260. 1. Except as provided in subsection 2 of this section, a person commits the offense of unlawful tracking of a motor vehicle if the person knowingly installs, conceals, or otherwise places an electronic tracking device in or on a motor vehicle without the consent of all owners of the vehicle for the purpose of monitoring or following an occupant or occupants of the vehicle. As used in this section, "person" does not include the manufacturer of the motor vehicle.

2. It shall not be an offense under this section if the installing, concealing, or placing of an electronic tracking device in or on a motor vehicle is:

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 **(1) By, or at the direction of, a law enforcement officer in furtherance of a**
10 **criminal investigation and such investigation is carried out in accordance with**
11 **applicable state and federal law;**

12 **(2) By the owner or lessee of such motor vehicle;**

13 **(3) By, or at the direction of, a parent or legal guardian who owns or leases the**
14 **vehicle, and if the device is used solely for the purpose of monitoring the minor child of**
15 **the parent or legal guardian when the child is an occupant of the vehicle;**

16 **(4) By a legally authorized representative of a vulnerable adult for the purpose**
17 **of tracking a motor vehicle owned or leased by such adult. As used in this subdivision,**
18 **"vulnerable adult" means any person eighteen years of age or older who is impaired by**
19 **reason of mental illness, intellectual or developmental disability, physical illness or**
20 **disability, or other causes, including age, to the extent the person lacks sufficient**
21 **understanding or capacity to make, communicate, or carry out reasonable decisions**
22 **concerning his or her well-being or has one or more limitations that substantially impair**
23 **the person's ability to independently provide for his or her daily needs or safeguard his**
24 **or her person, property, or legal interests;**

25 **(5) By an owner of fleet vehicles for the purpose of tracking such vehicles;**

26 **(6) By an employer for the purpose of tracking a motor vehicle owned by the**
27 **employer while in use by the employer's employee; or**

28 **(7) By a bail bond agent, general bail bond agent, property bail bondsman, or**
29 **surety bail bond agent, as those terms are defined under section 374.700, in conjunction**
30 **with the agent's or bondsman's duties to track a defendant, in which the agent or**
31 **bondsman is acting as a surety and pledging money or property for the defendant's**
32 **appearance in court.**

33 **3. The provisions of this section shall not apply to a tracking system installed by**
34 **the manufacturer of a motor vehicle.**

35 **4. The offense of unlawful tracking of a motor vehicle is a class A misdemeanor.**

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