

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4390**

By Delegate Tully

[Introduced January 10, 2024; Referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §61-2-9d, relating to prohibiting the use of electronic tracking devices.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-9d. Use of electronic tracking devices; penalty.**

1 (a) A person who installs or places an electronic tracking device through intentionally  
2 deceptive means and without consent, or causes an electronic tracking device to be installed or  
3 placed through intentionally deceptive means and without consent, and uses such device to track  
4 the location of a child who is subject to abuse and neglect proceedings, or subject to a custody  
5 dispute, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than  
6 \$1,000 or confined in jail not more than 30 days.

7 (b) "Electronic tracking device" means an electronic or mechanical device that permits a  
8 person to remotely determine or track the position and movement of another person.

NOTE: The purpose of this bill is to prohibit the use of electronic tracking devices in certain situations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.