

Bill Introduced on Warrantless GPS Tracking

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On March 21, a bipartisan group of legislators in the House of Representatives introduced a new bill, the Geolocation Privacy and Surveillance Act, which would force law enforcement to obtain a warrant to track suspects with GPS devices. Sponsored by House Judiciary Committee ranking member Rep. John Conyers (D-Mich.) and Reps. Jason Chaffetz (R-Utah) and Jim Sensenbrenner (R-Wis.), it provides a "legal framework" with guidelines on when and how GPS devices may be accessed and used by law enforcement. The bill was introduced one day after the Obama administration argued before a federal appeals court that authorities should not be required to obtain a warrant to attach GPS devices to cars. The debate over warrantless GPS tracking has been underway for years. Last year, in *United States v. Jones*, the U.S. Supreme Court ruled in a unanimous decision that the Fourth Amendment protection of "persons, houses, papers, and effects, against unreasonable searches and seizures" would be violated if law enforcement agencies were allowed to attach a GPS device to a suspect's vehicle without obtaining a warrant. However, the Supreme Court's decision left the door open for law enforcement to use other devices such as smartphones and systems like OnStar for warrantless location-tracking. The Geolocation Privacy and Surveillance Act is intended to close these loopholes. Carlton Fields will monitor this bill as it moves through the House. If this bill were to become law, any companies engaged in the operation of a telematics system or in the design and manufacturing of GPS-enabled devices may be impacted.

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