

*\*Disclaimer: This is intended for general information and guideline uses only. It should be understood that legislation is changed and amended, court cases set additional precedent and this information may therefore be affected. The Texas Association of Licensed Investigators or their officers, board or representatives are held harmless for any changes in or uses of the enclosed information. This is for information and initial reference only and further research and/or legal counsel should be considered.*

### **Use of GPS:**

Section 16.06 of the Texas Penal Code, Criminal and Traffic Law reads:

Sec. 16.06. Unlawful Installation of Tracking Device.

a) In this section:

(1) “Electronic or mechanical tracking device” means a device capable of emitting an electronic frequency or other signal that may be used by a person to identify, monitor, or record the location of another person or object.

(2) “Motor vehicle” has the meaning assigned by Section 501.002, Transportation Code.

b) A person commits an offense if the person knowingly installs an electronic or mechanical tracking device on a motor vehicle owned or leased by another person.

c) An offense under this section is a Class A misdemeanor.

d) It is an affirmative defense to prosecution under this section that the person:

(1) Obtained the effective consent of the owner or lessee of the motor vehicle before the electronic or mechanical tracking device was installed;

(2) Was a peace officer who installed the device in the course of a criminal investigation or pursuant to an order of a court to gather information for a law enforcement agency; or

(3) Was a private investigator licensed under Chapter 1702, Occupations Code, who installed the device:

(A) With written consent:

(i) To install the device given by the owner or lessee of the motor vehicles; and

(ii) To enter private residential property, if that entry was necessary to install the device, given by the owner or lessee of the property; or

(B) Pursuant to an order of or other authorization from a court to gather information.