

**UNLAWFUL INSTALLATION OF TRACKING DEVICE  
Texas Penal Code**

**§ 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;**

(3) **assisted another whom the person reasonably believed to be a peace officer authorized to install 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**

(4) **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 vehicle; 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.**

Added by Acts 1999, 76th Leg., ch. 728, § 1, eff. Sept. 1, 1999.  
Amended by Acts 2001, 77th Leg., ch. 1420, § 14.828, eff. Sept. 1, 2001.