

S 1212

GPS Act

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Jun 15, 2011

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Jun 15, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/1212>

Sponsor

Name: Sen. Wyden, Ron [D-OR]

Party: Democratic • **State:** OR • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Kirk, Mark Steven [R-IL]	R · IL		Oct 18, 2011

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Jun 15, 2011

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
112 HR 6529	Related bill	Oct 3, 2012: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
112 HR 2168	Related bill	May 17, 2012: Subcommittee Hearings Held.

Geolocation Privacy and Surveillance Act or the GPS Act - Amends the federal criminal code to prohibit intentionally: (1) intercepting geolocation information pertaining to another person; (2) disclosing to any other person such information pertaining to another, knowing that the information was obtained in violation of this Act; (3) using geolocation information, knowing that the information was obtained in violation of this Act; or (4) disclosing to any other person the geolocation information pertaining to another person intercepted by means authorized under this Act, knowing that the information was obtained in connection with a criminal investigation, having obtained or received information in connection with a criminal investigation, with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation. Sets penalties for violations.

Makes specified exceptions for interceptions involving: (1) information acquired by a provider of covered services (electronic communication service, remote computing service, or geolocation information service) in the normal course of business; (2) federal officers, employees, or agents conducting foreign intelligence surveillance; (3) persons having given prior consent; (4) public information; (5) emergency information; (6) theft; and (7) a warrant.

Prohibits: (1) a person providing covered services from intentionally divulging geolocation information pertaining to another person, with exceptions; and (2) the use of such information, and evidence derived from it, as evidence. Authorizes: (1) the use of geolocation information by investigative or law enforcement officers, or by a state's principal prosecuting attorney, to intercept such information under specified emergency circumstances; and (2) the recovery of civil damages by any person whose geolocation information is intercepted, disclosed, or intentionally used in violation of this Act.

Modifies the Federal Rules of Criminal Procedure to require a search warrant to acquire geolocation information.

Amends the federal criminal code to include any geolocation information service within the definition of a "covered entity" for purposes of provisions prohibiting obtaining confidential phone records information from such an entity by fraud or related activity.

Directs the United States Sentencing Commission to review the federal sentencing guidelines and policy statements applicable to persons convicted of fraud and related activity in connection with obtaining certain confidential phone records information.

Prohibits acquiring geolocation information of a person for protective activities or law enforcement or intelligence purposes except pursuant to a warrant issued under the Federal Rules of Criminal Procedure or the Foreign Intelligence Surveillance Act.

Actions Timeline

- **Jun 15, 2011:** Introduced in Senate
- **Jun 15, 2011:** Read twice and referred to the Committee on the Judiciary.