SENATE BILL NO. 58–COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 12, 2026

Referred to Committee on Judiciary

SUMMARY—Establishes provisions relating to the use of tracking devices. (BDR 14-586)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.
Effect on the State Highway Fund: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets **[**~~omitted material~~**]** is material to be omitted.

AN ACT relating to criminal procedure; establishing provisions relating to applying for and issuing a tracking device warrant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the issuance of a search warrant to search a place or person for any property: (1) that is stolen or embezzled; (2) that is designed or intended to be used or has been used as a means of committing a criminal offense; or (3) when the property consists of any item or constitutes any evidence which tends to show that a criminal offense has been committed or that a particular person has committed a criminal offense. (NRS 179.035) This bill establishes procedures relating to the application for, and issuance of, a tracking device warrant.

Specifically, **section 5** of this bill authorizes the Attorney General, a district attorney or a peace officer to apply to a magistrate for a tracking device warrant for the purpose of using a tracking device to track a specified person or object. **Section 5** authorizes the magistrate to issue the tracking device warrant if there is probable cause to believe that: (1) the object to be tracked was used, is being used or is about to be used as a means of committing an offense; (2) the object to be tracked is in the possession of a person who has committed, is committing or is about to commit an offense; (3) the person to be tracked is subject to an arrest warrant; or (4) the tracking of the object or person constitutes certain evidence of an offense under certain circumstances.

Section 6 of this bill requires a tracking device warrant to contain certain information, including the grounds for the probable cause to issue the tracking device warrant and the length of time that the tracking device warrant is valid.

To this point, **section 6** generally limits the duration of the tracking device warrant to 60 days. However, **section 7** of this bill authorizes the magistrate to

provide one or more extensions for the tracking device warrant, which may not be longer than the magistrate deems necessary to achieve the purpose of the extension, but not more than 60 days per extension.

Section 8 of this bill requires notice of the tracking device warrant to be served on the person who was tracked or whose property was tracked not later than 90 days after the expiration of the tracking device warrant, or an extension thereof.

Sections 3 and 4 of this bill define the terms "communications device" and "tracking device," respectively, for purposes of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Communications device" means a device that authorizes the user of the device to send or receive oral, wire or electronic communications or computer services.***

Sec. 4. ***"Tracking device" means an electronic or mechanical device, including a communications device, that tracks the movement of a person or an object.***

Sec. 5. ***1. The Attorney General, a district attorney or a peace officer may apply to a magistrate for a tracking device warrant for the purpose of tracking a specified person or object with a tracking device.***

2. A magistrate may issue a tracking device warrant if the application is complete and supported by probable cause to believe that:

(a) The object to be tracked:

(1) Was used, is being used or is about to be used to commit an offense; or

(2) Is in the possession of a person who has committed, is committing or is about to commit an offense;

(b) The person to be tracked is subject to an arrest warrant; or

(c) The object or person to be tracked constitutes evidence that tends to show that:

(1) A particular offense has been, is being or is about to be committed; or

(2) A particular person has committed or is committing an offense.

3. If data collected under a tracking device warrant is received in this State, the use of the tracking device is authorized

pursuant to sections 2 to 8, inclusive, of this act, regardless of the actual location of the tracking device.

Sec. 6. *A tracking device warrant issued pursuant to section 5 of this act must:*

1. Command the use of a tracking device to track a specified person or object;

2. Authorize the use of a tracking device at any time of the day or night;

3. If the tracking device requires installation, additionally authorize the maintenance and removal of a tracking device;

4. Specify a reasonable length of time that the tracking device may be used, which must be not more than 60 days after the date on which the tracking device was installed; and

5. State the grounds for the probable cause to issue the tracking device warrant.

Sec. 7. *1. A magistrate may grant one or more extensions of a tracking device warrant upon application for an extension supported by the findings required by section 5 of this act for the initial issuance of the tracking device warrant.*

2. The period of each extension may not be longer than the magistrate deems necessary to achieve the purpose for which the extension was granted, but not more than 60 days.

Sec. 8. *1. Except as otherwise provided in this section, not later than 90 days after the expiration of the tracking device warrant, or an extension thereof, a copy of the tracking device warrant must be served on the person who was tracked or whose property was tracked under the tracking device warrant.*

2. The court may delay the service of a tracking device warrant pursuant to subsection 1 if the court finds that there is reasonable cause to believe that the delay is necessary:

(a) To protect the safety of a person; or

(b) To prevent a person from:

(1) Fleeing the State to avoid prosecution;

(2) Tampering with evidence;

(3) Intimidating a witness; or

(4) Jeopardizing an investigation.

Sec. 9. This act becomes effective upon passage and approval.

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