HOUSE BILL 804:
Kelsey Smith Act.

2016-2017 General Assembly

Committee:	Senate Rules and Operations of the Senate	**Date:**	June 28, 2016
Introduced by:	Reps. Hurley, Glazier, Schaffer, Lambeth	**Prepared by:**	Susan Sitze Staff Attorney
Analysis of:	PCS to Second Edition H804-CSSA-120		

SUMMARY: The Proposed Committee Substitute (PCS) for House Bill 804 would provide access by law enforcement to telecommunications device location information under certain circumstances.

BILL ANALYSIS:

Section 1 of the PCS would name the act the "Kelsey Smith Act".

Section 2 of the PCS would allow a wireless service provider to provide call location information to a law enforcement agency upon issuance of a call location warrant. The warrant could be issued in an emergency situation that involves an imminent risk of death or serious physical harm.

If the warrant is applied for in person, it can be issued by a Justice of the Supreme Court, a Judge of the Court of Appeals, a judge of the superior court, or a magistrate. The warrant may be issued via telephone application by a judge of the superior court. The warrant is valid for 48 hours from issuance.

Call location data does not include the contents of any communication made, but does include global positioning system (GPS) information, triangulation and per-call measurement data.

Imminent risk of death or serious physical harm would mean that the length of time necessary to comply with otherwise applicable provisions of law pertaining to obtaining authorization for electronic surveillance would, in the professional judgment of the law enforcement agency based upon generally accepted surveillance and investigation protocols, significantly reduce the chance of preventing death or serious physical harm.

Section 3 of the PCS would authorize magistrates to issue call location warrants valid throughout the State.

EFFECTIVE DATE: This act becomes effective December 1, 2016.

Karen Cochrane-Brown
Director

H804-SMSA-148 CSSA-120 -V-2

Legislative Analysis Division
919-733-2578