



HOUSE BILL 315: Kelsey Smith Act.

2017-2018 General Assembly

Committee: House Judiciary I	Date: March 21, 2017
Introduced by: Reps. Hurley, Faircloth, McNeill, Williams	Prepared by: Jennifer Bedford
Analysis of: First Edition	Legislative Analyst

SUMMARY: *House Bill 315 would require a wireless service provider to make call location data available to law enforcement in certain emergency circumstances.*

BILL ANALYSIS:

Section 1 of House Bill 315 would name the act the "Kelsey Smith Act".

Section 2 of House Bill 315 would make wireless call location data available to a law enforcement agency or a public safety answering point (PSAP) without a warrant, in the event of an emergency situation that involves an imminent risk of death or serious physical harm.

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

PSAP is the public safety agency that receives an incoming 911 call, and dispatches appropriate public safety agencies to respond.

A wireless service provider would:

- Be required to provide call location data to a law enforcement agency, or a PSAP without a warrant.
- Be allowed to establish procedures for the voluntary disclosure of call location data.
- Be immune to a civil action for complying with this act in good faith reliance of representations made by law enforcement.
- Be required to submit, and when appropriate update, emergency contact information to the State Bureau of Investigation.

A law enforcement agency or PSAP would:

- Only be allowed to request call location data in an emergency situation where the length of time to obtain the information another way would significantly reduce the chance of preventing death or serious physical harm.

EFFECTIVE DATE: This act would become effective July 1, 2017.

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