

House Bill 541

By: Representatives Williams of the 145th, Hitchens of the 161st, Powell of the 32nd, Lumsden of the 12th, Collins of the 68th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding telephone service, so as to provide that a wireless
3 service provider shall make call location information of its subscribers available to law
4 enforcement agencies upon request; to provide for limitations; to provide for immunity from
5 suit for such wireless service providers under certain circumstances; to provide for the
6 collection and distribution of contact information; to provide a short title; to provide for
7 related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 This Act shall be known and may be cited as the "Kelsey Smith Act."

11 style="text-align:center">**SECTION 2.**

12 Article 1 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to
13 general provisions regarding telephone service, is amended by adding a new Code section
14 to read as follows:

15 "46-5-9.

16 (a) Upon request of a law enforcement agency or a public safety answering point on behalf
17 of a law enforcement agency, a wireless service provider shall provide call location
18 information concerning the telecommunications device of a user to the requesting law
19 enforcement agency or public safety answering point. A law enforcement agency or public
20 safety answering point shall not request information under this Code section unless such
21 information is for the purposes of responding to a call for emergency services or in an
22 emergency situation that involves the risk of death or serious physical harm.

23 (b) A wireless service provider may establish protocols by which the carrier voluntarily
24 discloses call location information.

25 (c) A claim for relief shall not be brought in any court against any wireless service
26 provider or any other person for providing call location information if acting in good faith
27 and pursuant to this Code section.

28 (d) The Georgia Bureau of Investigation shall obtain contact information from all wireless
29 service providers authorized to conduct business in this state to facilitate a request from a
30 law enforcement agency or a public safety answering point on behalf of a law enforcement
31 agency for call location information pursuant to this Code section. The bureau shall
32 disseminate such contact information to each public safety answering point in this state."

33 **SECTION 3.**

34 All laws and parts of laws in conflict with this Act are repealed.