

The House Committee on Energy, Utilities and Telecommunications offers the following substitute to HB 541:

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 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 **SECTION 1.**

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

11 **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 location information
18 concerning the telecommunications device of a user to the requesting law enforcement
19 agency or public safety answering point. A law enforcement agency or public safety
20 answering point shall not request information under this Code section unless such
21 information is in an emergency situation that involves the risk of death or serious physical
22 harm.

23 (b) A wireless service provider may establish protocols by which the carrier voluntarily
24 discloses 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 location information if acting in good faith and
27 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 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.