

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 182

2015 Regular Session

Thompson

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

TELECOMMUNICATIONS. Enacts the Kelsey Smith Act to require commercial mobile service device providers to provide device location information to law enforcement agencies under certain circumstances. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds a definition of a "law enforcement agency".
2. Makes clarifying technical amendments.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 182 Reengrossed

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Proposed law creates the "Kelsey Smith Act".

Proposed law provides that when acting in the course and scope of his official duties, a law enforcement agency supervisor may submit an electronic or other written request to a provider of commercial mobile services, as defined by 47 U.S.C. 332(d), for device location information of a commercial mobile service device user if either of the following has occurred:

- (1) A call for emergency services initiated from device of the user.
- (2) An emergency situation that involves risk of death or serious bodily harm to the device user.

Proposed law provides that upon receipt of the request, the provider of commercial mobile services must disclose to the law enforcement agency the device location information.

Proposed law requires the law enforcement agency when making a request for device location information to search the National Crime Information Center system and similar databases to identify if the device user or the person initiating the call for an emergency situation involving the device user has any history of domestic violence or any court order restricting contact.

Proposed law requires that this information obtained by a law enforcement agency only be used for the performance of official duties.

Proposed law prohibits device location information from being released by the law enforcement agency to a person who either has a history of domestic violence or stalking or who is subject to any court order restricting contact with the device user.

Proposed law defines the term "law enforcement agency" as any municipality, sheriff's office or other public agency who employs full-time employees whose permanent duties include but are not limited to making arrests, performing searches and seizures, executing criminal warrants, preventing or detecting crime, and enforcement of penal, traffic, or highway laws of the state.

Proposed law requires all providers of commercial mobile services who are registered to do business in this state, or submitting to its jurisdiction, to submit emergency contact

information to the Dept. of Public Safety and Corrections, office of state police, in order to facilitate requests from law enforcement agencies for location information. Requires that this contact information be submitted by July first of each year and immediately upon any change in contact information.

Proposed law requires that the office of state police maintain a database containing emergency contact information for all providers of commercial mobile services and to make this information immediately available to all law enforcement agencies in the state.

Proposed law authorizes the office of state police adopt rules in accordance with the Administrative Procedure Act to implement the provisions of proposed law.

Proposed law provides that notwithstanding any other provision of law to the contrary, a provider of commercial mobile services may establish protocols by which the provider voluntarily discloses device location information.

Proposed law provides that no person may file a false report to a law enforcement agency for the purpose of device location being requested from a provider of commercial mobile service and provides a penalty for violating proposed law of not more than \$500, or imprisonment of not more than six months, or both.

Proposed law provides that no person shall have a cause of action against any provider of commercial mobile services, its officers, employees, agents, or other specified persons for providing device location information while acting in good faith and in accordance with the provisions of proposed law. Also provides that proposed law shall not apply to damage or injury caused by gross negligence or willful and wanton misconduct.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 45:844.9 and 844.10)

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