

1.1 A bill for an act

1.2 relating to public safety; requiring wireless telecommunications service providers
1.3 to provide call locations for emergencies; providing for the Kelsey Smith Act;
1.4 amending Minnesota Statutes 2008, sections 626A.01, by adding a subdivision;
1.5 626A.28, subdivision 5; proposing coding for new law in Minnesota Statutes,
1.6 chapter 626A.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 626A.01, is amended by adding a
1.9 subdivision to read:

1.10 Subd. 21. **Wireless telecommunications service provider.** "Wireless
1.11 telecommunications service provider" means a provider of commercial mobile services, as
1.12 that term is defined in United States Code, title 47, section 332(d), including all broadband
1.13 personal communications services, wireless radio services, and incumbent wide area
1.14 specialized mobile radio licensees, that offers real-time, two-way service interconnected
1.15 with the public switched telephone network and that is doing business in Minnesota.

1.16 **EFFECTIVE DATE.** This section is effective August 1, 2010.

1.17 Sec. 2. **[626A.275] DISCLOSURE OF CALL LOCATION; EMERGENCY**
1.18 **SITUATIONS.**

1.19 (a) Notwithstanding section 626A.28, subdivision 3, upon receipt of a written
1.20 request from an investigative or law enforcement officer stating that the disclosure of
1.21 call location information is needed in an emergency situation that involves the risk of
1.22 death or serious physical harm to the user of a telecommunications device, a wireless
1.23 telecommunications service provider shall provide the requested call location information
1.24 concerning the device to the requesting officer.

2.1 (b) This section does not prohibit a wireless telecommunications service provider
2.2 from establishing protocols for the disclosure of call location information.

2.3 (c) The bureau shall obtain contact information for all wireless telecommunications
2.4 service providers authorized to do business in Minnesota or submitting to the jurisdiction
2.5 of this state in order to facilitate a request from an investigative or law enforcement
2.6 officer for call location information under this section. The bureau shall disseminate this
2.7 information on a quarterly basis, or immediately as changes occur, to all public safety
2.8 answer points in the state.

2.9 **EFFECTIVE DATE.** This section is effective August 1, 2010.

2.10 Sec. 3. Minnesota Statutes 2008, section 626A.28, subdivision 5, is amended to read:

2.11 Subd. 5. **No cause of action against a provider disclosing certain information.** No
2.12 cause of action lies in any court against any provider of wire or electronic communication
2.13 service, its officers, employees, agents, or other specified persons for providing:

2.14 (1) information, facilities, or assistance in accordance with the terms of a court order,
2.15 warrant, subpoena, or certification under sections 626A.26 to 626A.34; or

2.16 (2) call location information as provided in section 626A.275.

2.17 **EFFECTIVE DATE.** This section is effective August 1, 2010.

2.18 Sec. 4. **KELSEY SMITH ACT.**

2.19 This act shall be known as the Kelsey Smith Act.