

1 HB2
2 171041-3
3 By Representatives Hanes, Ledbetter, Whorton (R), Pettus,
4 Butler, Mooney, Greer, Williams (JD), Wood, Shiver, Farley,
5 Whorton (I), Fridy and Harper
6 RFD: State Government
7 First Read: 02-FEB-16
8 PFD: 01/12/2016

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8 SYNOPSIS: This bill would require a wireless
9 communications service provider to provide location
10 information to a law enforcement agency, upon
11 request, in an emergency situation involving a risk
12 of death or serious bodily harm.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To require a wireless communications service
19 provider to provide location information to a law enforcement
20 agency, upon request, in an emergency situation involving a
21 risk of death or serious bodily harm.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) This act shall be known and cited as
24 the Kelsey Smith Act.

25 (b) Upon request of a law enforcement agency, a
26 wireless communications service provider shall provide call
27 location information concerning the telecommunications device

1 of a user to the requesting law enforcement agency. A law
2 enforcement agency may not request information under this
3 section unless the request is made for the purpose of
4 responding to a call for emergency services or in an emergency
5 situation that involves the possible risk of death or serious
6 physical harm.

7 (c) A wireless communications service provider may
8 establish protocols by which the carrier voluntarily discloses
9 call location information.

10 (d) A wireless communications service provider who
11 provides information regarding call location or any other
12 person for providing call location information is immune from
13 civil liability if acting in good faith and pursuant to this
14 section.

15 (e) Pursuant to this section or as authorized by
16 Section 15-5-40, Code of Alabama 1975, law enforcement may
17 monitor from any location in this State location information
18 obtained from a wireless communications provider or device
19 from anywhere the device is located regardless of
20 jurisdiction, subject to any limitation or prohibition
21 provided by federal law.

22 (f) The Alabama Law Enforcement Agency shall obtain
23 contact information from all wireless service providers
24 authorized to do business in this state to facilitate a
25 request from a law enforcement agency for call location
26 information under this section. The bureau shall disseminate

1 the contact information to each state and local law
2 enforcement agency in this state.

3 Section 2. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.