

SHB 1897 - H AMD 73

By Representative McCoy

NOT CONSIDERED

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 80.36 RCW
4 to read as follows:

5 (1) A wireless telecommunications provider must provide call
6 location information concerning the telecommunications device of a user
7 when requested by a law enforcement agency. A law enforcement agency
8 must meet the following requirements:

9 (a) A law enforcement agency may only request this information
10 when, in the law enforcement officer's exercise of reasonable judgment,
11 he or she believes that the individual is endangered and in need of
12 emergency services or in an emergency situation that involves the risk
13 of death or serious physical harm and requires disclosure without a
14 delay of information relating to the emergency.

15 (b) Concurrent to making a request, the responding law enforcement
16 agency must check the federal bureau of investigation's national crime
17 information center and any other available databases to identify if
18 either the person requesting the call location information or the
19 person for whom the call location information is being requested has
20 any history of domestic violence.

21 (c) Concurrent to making a request, or if the emergency arises
22 outside of business hours, during the next business day, the responding
23 law enforcement agency must also check with the secretary of state's
24 office to identify if either the person requesting the call location
25 information or the person for whom the call location information is
26 being requested is participating in the address confidentiality program
27 established in chapter 40.24 RCW.

28 (d) If the responding law enforcement agency identifies someone as
29 having a history of domestic violence or as participating in the
30 address confidentiality program, then the law enforcement agency must

1 not provide call location information to the individual who requested
2 the information, unless pursuant to the order of a court of competent
3 jurisdiction.

4 (e) A law enforcement agency may not request information under this
5 section for any purpose other than responding to a call for emergency
6 services or in an emergency situation that involves the risk of death
7 or serious physical harm.

8 (2) A wireless telecommunications provider may establish protocols
9 by which the carrier voluntarily discloses call location information.

10 (3) No cause of action may be brought in any court against any
11 wireless telecommunications provider, its officers, employees, agents,
12 or other specified persons for providing call location information
13 while acting in good faith and in accordance with the provisions of
14 this section.

15 (4) All wireless telecommunications providers registered to do
16 business in the state of Washington and all resellers of wireless
17 telecommunications services shall submit their emergency contact
18 information to the Washington state patrol in order to facilitate
19 requests from a law enforcement agency for call location information in
20 accordance with this section. Any change in contact information must
21 be submitted immediately.

22 (5) The Washington state patrol must maintain a database containing
23 emergency contact information for all wireless telecommunications
24 providers registered to do business in the state of Washington and must
25 make the information immediately available upon request to facilitate
26 a request from law enforcement for call location information under this
27 section.

28 (6) The Washington state patrol may adopt by rule criteria for
29 fulfilling the requirements of this section.

30 NEW SECTION. **Sec. 2.** This act may be known and cited as the
31 Kelsey Smith act."

32 Correct the title.

EFFECT: Clarifies that the law enforcement officer must exercise

reasonable judgment rather than have reasonable cause to believe an individual is endangered.

Requires law enforcement to identify if there is a history of domestic violence concurrently rather than prior to requesting call location information.

Requires law enforcement to identify participation in the address confidentiality program concurrently, or if outside of business hours, during the next business day, rather than prior to requesting call location information.

Limits the domestic violence history and address confidentiality program checks to the person requesting the call location information and the person for whom the call location information is requested.

Directs the responding law enforcement agency not to provide call location information to the requestor, if a history of domestic violence or participation in the address confidentiality program is identified.

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