

HOUSE BILL REPORT

HB 1897

As Reported by House Committee On:
Technology & Economic Development

Title: An act relating to requiring call location information to be provided to law enforcement responding to an emergency.

Brief Description: Requiring call location information to be provided to law enforcement responding to an emergency.

Sponsors: Representatives McCoy, Ryu and Pollet.

Brief History:

Committee Activity:

Technology & Economic Development: 2/19/13, 2/21/13 [DPS].

Brief Summary of Substitute Bill

- Requires wireless telecommunications providers to provide call location information for the telecommunications device of a user when requested by a law enforcement agency responding to an emergency.

HOUSE COMMITTEE ON TECHNOLOGY & ECONOMIC DEVELOPMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Morris, Chair; Habib, Vice Chair; Smith, Ranking Minority Member; Crouse, Assistant Ranking Minority Member; Dahlquist, Freeman, Hudgins, Kochmar, Magendanz, Maxwell, Morrell, Stonier, Tarleton, Vick, Walsh and Zeiger.

Staff: Jennifer Thornton (786-7147).

Background:

Federal law prohibits providers of electronic communication services to the public from knowingly divulging records or other information pertaining to a customer of such service, except under specific circumstances. One circumstance under which a provider may divulge a record or other information pertaining to a customer is to a governmental entity, if the

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provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency.

"The Kelsey Smith Act" has been passed by the states of Kansas, Nebraska, Minnesota, New Hampshire, North Dakota, Tennessee, Hawaii, and Missouri to require wireless telecommunications providers to provide law enforcement agencies with a way to quickly ascertain the location of a wireless telecommunications device when a user of the device has been determined by law enforcement to be at risk of death or serious physical harm.

Summary of Substitute Bill:

The "Kelsey Smith Act" (Act) requires wireless telecommunications providers to provide call location information for the telecommunications device of a user when requested by a law enforcement agency responding to an emergency. The law enforcement agency must have reasonable cause to believe that the individual is endangered and determine that the information requires disclosure without a delay.

Prior to requesting the call location information from a wireless telecommunications provider, the law enforcement agency must:

- identify if there is a history of domestic violence; and
- identify if the involved individuals or family members are in the address confidentiality program.

Law enforcement agencies may not request this information for any other purpose.

No cause of action may be brought in any court against wireless telecommunications providers for providing call location information while acting in good faith and in accordance with this Act.

All wireless telecommunications providers registered to do business in Washington, and all resellers of wireless telecommunications services must submit emergency contact information to the Washington State Patrol (WSP) and immediately submit any changes to that information.

The WSP is required to maintain a database with emergency contact information for all of the wireless telecommunications providers and make the information immediately available upon a request from law enforcement. The WSP may adopt rules as needed to fulfill the requirements of this Act.

Substitute Bill Compared to Original Bill:

For a law enforcement agency to request the call location information from a wireless telecommunications provider, the agency must:

- have reasonable cause to believe that the individual is endangered;
- identify if there is a history of domestic violence;

- identify if the involved individuals or family members are in the address confidentiality program; and
- determine that the information relating to the emergency requires disclosure without a delay.

The date by which wireless telecommunications providers must submit their emergency contact information to the Washington State Patrol is removed.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 22, 2013.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The prime sponsor had been thinking about this as an idea for a bill for a number of years when he had a conversation on Facebook with Kelsey's father, who is a legislator in Kansas. This bill took their example of legislation and combined it with the best parts of other bills that have been introduced. There will be one amendment coming to line it up with federal law.

(Opposed) None.

Persons Testifying: Representative McCoy, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.