
SECOND SUBSTITUTE HOUSE BILL 1897

State of Washington

63rd Legislature

2014 Regular Session

By House Technology & Economic Development (originally sponsored by Representatives McCoy, Ryu, and Pollet)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to requiring call location information to be
2 provided to law enforcement responding to an emergency; and adding a
3 new section to chapter 80.36 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 80.36 RCW
6 to read as follows:

7 (1)(a) A wireless telecommunications provider must provide call
8 location information concerning the telecommunications device of a user
9 when requested by a law enforcement agency for the purpose of
10 responding to a call for emergency services or in an emergency
11 situation that involves the risk of death or serious physical harm.

12 (b) A law enforcement agency may not request information under this
13 section for any purpose other than responding to a call for emergency
14 services or in an emergency situation that involves the risk of death
15 or serious physical harm. A law enforcement agency may not convey or
16 disclose the call location information to any individual except as
17 strictly necessary for the purposes outlined in this subsection or as
18 required by an order of a court of competent jurisdiction.

1 (2) Before requesting call location information from a wireless
2 telecommunications provider, a law enforcement officer must exercise
3 reasonable judgment in determining whether an emergency is likely to
4 exist requiring emergency services or involving the risk of death or
5 serious physical harm, or whether the call or other initiation of the
6 request for emergency response is pretextual. Unless the law
7 enforcement officer reasonably determines that the circumstances
8 require immediate action, in order to determine whether the request for
9 emergency response is pretextual, the officer or other delegated agent
10 within the law enforcement agency must check relevant databases before
11 or concurrently with initiating the request for call location
12 information from the telecommunications provider. This may include,
13 but is not necessarily limited to, the following:

14 (a) Checking the federal bureau of investigation's national crime
15 information center to identify if the person making the call for
16 emergency services or initiating the request for emergency response has
17 a history of domestic violence or other criminal history suggesting
18 that the call or request is pretextual; and

19 (b) Checking with the secretary of state's office to identify if
20 the user for whom the call location information is being requested is
21 participating in the address confidentiality program established in
22 chapter 40.24 RCW.

23 (3) A wireless telecommunications provider may establish protocols
24 by which the carrier voluntarily discloses call location information to
25 a law enforcement agency for the purposes outlined in subsection (1) of
26 this section.

27 (4) No cause of action may be brought in any court against any
28 wireless telecommunications provider, its officers, employees, agents,
29 or other specified persons for providing call location information
30 while acting in good faith and in accordance with the provisions of
31 this section.

32 (5) All wireless telecommunications providers registered to do
33 business in the state of Washington and all resellers of wireless
34 telecommunications services shall submit their emergency contact
35 information to the Washington state patrol in order to facilitate
36 requests from a law enforcement agency for call location information in
37 accordance with this section. This contact information must be
38 submitted immediately upon any change in contact information.

1 (6) The Washington state patrol must maintain a database containing
2 emergency contact information for all wireless telecommunications
3 providers registered to do business in the state of Washington and must
4 make the information immediately available upon request to facilitate
5 a request from law enforcement for call location information under this
6 section.

7 (7) The Washington state patrol may adopt by rule criteria for
8 fulfilling the requirements of this section.

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