To amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user’s call for emergency services.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2016

Mr. ROBERTS introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user’s call for emergency services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kelsey Smith Act”.
SEC. 2. REQUIRED EMERGENCY DISCLOSURE OF CALL LOCATION INFORMATION TO LAW ENFORCEMENT.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) in subsection (d)—

(A) in paragraph (4), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and adjusting the margins accordingly;

(C) by striking “Nothing in this section” and inserting the following:

“(1) PERMITTED DISCLOSURES.—Nothing in this section”; and

(D) by adding at the end the following:

“(2) REQUIRED EMERGENCY DISCLOSURE OF CALL LOCATION INFORMATION TO LAW ENFORCEMENT.—

“(A) IN GENERAL.—Notwithstanding subsections (a), (b), and (c), at the request of an investigative or law enforcement officer, a provider of a covered service shall provide to the
officer the call location information, or the best available location information, of a tele-
communications device that is—

“(i) used to place a 9–1–1 call re-
questing emergency assistance; or

“(ii) reasonably believed to be in the possession of an individual that the officer reasonably believes is in an emergency sit-
uation that involves the risk of death or se-
rious physical harm to the individual.

“(B) HOLD HARMLESS.—No cause of ac-
tion shall lie in any court, nor shall any civil or administrative proceeding be commenced by a governmental entity, against a telecommuni-
cations carrier, or its directors, officers, employ-
ees, agents, or vendors, for providing in good
faith call location information or other informa-
tion, facilities, or assistance in accordance with subparagraph (A) and any regulations promul-
gated under this paragraph.”;

(2) in subsection (f)(1), by striking “subsection (d)(4)” and inserting “subsection (d)(1)(D)”; and

(3) in subsection (h), by adding at the end the following:
“(8) COVERED SERVICE.—The term ‘covered service’ means—

“(A) a commercial mobile service (as defined in section 332); or

“(B) an IP-enabled voice service (as defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b)).

“(9) INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—The term ‘investigative or law enforcement officer’ has the meaning given the term ‘Investigative or law enforcement officer’ in section 2510 of title 18, United States Code.”.