

114TH CONGRESS
2D SESSION

S. 2770

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kelsey Smith Act”.

1 **SEC. 2. REQUIRED EMERGENCY DISCLOSURE OF CALL LO-**
2 **CATION INFORMATION TO LAW ENFORCE-**
3 **MENT.**

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

6 (1) in subsection (d)—

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

11 (B) by redesignating paragraphs (1)
12 through (4) as subparagraphs (A) through (D),
13 respectively, and adjusting the margins accord-
14 ingly;

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

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

19 (D) by adding at the end the following:

20 “(2) REQUIRED EMERGENCY DISCLOSURE OF
21 CALL LOCATION INFORMATION TO LAW ENFORCE-
22 MENT.—

23 “(A) IN GENERAL.—Notwithstanding sub-
24 sections (a), (b), and (c), at the request of an
25 investigative or law enforcement officer, a pro-
26 vider of a covered service shall provide to the

1 officer the call location information, or the best
2 available location information, of a tele-
3 communications device that is—

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

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

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

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

23 (3) in subsection (h), by adding at the end the
24 following:

1 “(8) COVERED SERVICE.—The term ‘covered
2 service’ means—

3 “(A) a commercial mobile service (as de-
4 fined in section 332); or

5 “(B) an IP-enabled voice service (as de-
6 fined in section 7 of the Wireless Communica-
7 tions and Public Safety Act of 1999 (47 U.S.C.
8 615b)).

9 “(9) INVESTIGATIVE OR LAW ENFORCEMENT
10 OFFICER.—The term ‘investigative or law enforce-
11 ment officer’ has the meaning given the term ‘Inves-
12 tigative or law enforcement officer’ in section 2510
13 of title 18, United States Code.”.

○