

1 State of Arkansas As Engrossed: H2/18/15 H2/23/15

2 90th General Assembly

A Bill

3 Regular Session, 2015

HOUSE BILL 1315

4

5 By: Representative Petty

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For An Act To Be Entitled

8

AN ACT TO BE KNOWN AS THE "KELSEY SMITH ACT"; TO

9

REQUIRE CERTAIN COMMUNICATIONS CARRIERS TO COOPERATE

10

WITH A CRIMINAL INVESTIGATION IN CERTAIN

11

CIRCUMSTANCES; AND FOR OTHER PURPOSES.

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Subtitle

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TO BE KNOWN AS THE "KELSEY SMITH ACT"; TO

16

REQUIRE CERTAIN COMMUNICATIONS CARRIERS

17

TO COOPERATE WITH A CRIMINAL

18

INVESTIGATION IN CERTAIN CIRCUMSTANCES.

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code Title 12, Chapter 12, is amended to add a new
24 subchapter to read as follows:

25 Subchapter 19 – Location Information of a Wireless Telecommunications Device

26 in an Emergency Situation

27

28 12-12-1901. Definitions.

29 As used in this subchapter:

30 (1) "Commercial mobile radio service" means a commercial mobile

31 service under 47 U.S.C. § 151 et seq., Federal Communications Commission

32 rules, and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66;

33 (2) "Contact information" means the name of person or a

34 compilation of names of persons who can immediately respond to and facilitate

35 a request for location information from a public safety agency at any time;

36 (3) "Law enforcement agency" means the Department of Arkansas



1 State Police, the Attorney General's office, a prosecuting attorney's office,
2 a county sheriff's department, or a municipal police department;

3 (4) "Location information" means cell site or other geographic
4 location estimate information in possession of a commercial mobile radio
5 service provider; and

6 (5) "Public safety agency" means an agency that provides fire
7 fighting, law enforcement, medical, or other emergency services.

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9 12-12-1902. Commercial mobile radio service provider to provide
10 information upon request.

11 (a) Upon request of a law enforcement agency, a commercial mobile
12 radio service provider shall provide location information of a wireless
13 telecommunications device to the law enforcement agency in order to respond
14 to a call for emergency services or in an emergency situation that involves
15 the risk of death or serious physical harm.

16 (b) This section does not prohibit a commercial mobile radio service
17 provider from establishing protocols by which the commercial mobile radio
18 service provider may voluntarily disclose location information.

19
20 12-12-1903. Limitation of liability.

21 Notwithstanding any other provision of law, a commercial mobile radio
22 service provider or its officers, employees, assigns, or agents are not
23 liable for civil damages or criminal liability in connection with the
24 development, design, installation, operation, maintenance, performance,
25 release, or provision of location information or for any failure to timely
26 process or release any request for location information as may be necessary
27 under this subchapter.

28
29 12-12-1904. Providers to submit contact information to Arkansas Crime
30 Information Center.

31 A commercial mobile radio service provider either authorized to do
32 business in the state or that has submitted to the jurisdiction of the state
33 shall immediately submit all contact information to the Arkansas Crime
34 Information Center and shall immediately update the contact information as
35 changes occur.

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1 12-12-1905. Additional duties of Arkansas Crime Information Center.
2 The Arkansas Crime Information Center shall make available the contact
3 information obtained under § 12-12-1904 on at least a quarterly basis or
4 immediately as changes occur to each public safety agency in the state.

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6 /s/Petty

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9 **APPROVED: 03/13/2015**
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