

Hall of the House of Representatives
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Bill No. 2296

CONCERNING LOCATION INFORMATION OF A CELL PHONE OR OTHER ELECTRONIC DEVICE.

Amendment No. 1 to House Bill No. 2296

Amend House Bill No. 2296 as originally introduced:

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended to add a new section to read as follows:

25-1-121. Prohibition against use of certain location information.

(a) As used in this section:

(1) "Electronic device" means a device that enables access to or use of:

(A) An electronic communication service as defined in 18 U.S.C. § 2510(15), as it existed on January 1, 2013;

(B) A remote computing service as defined in 18 U.S.C. § 2711(2), as it existed on January 1, 2013; or

(C) A location information service; and

(2) "Location information" means information concerning the location of an electronic device that, in whole or in part, is generated by or derived from the operation of that device.

(b) It is unlawful for the State of Arkansas, a state agency, or a political subdivision of the state to obtain location information unless:

(1) A court has issued a valid search warrant under the Arkansas Rules of Criminal Procedure;

(2) The State of Arkansas, a state agency, or a political subdivision:

(A) Obtains location information under circumstances it determines constitute an emergency situation that:

(i) Involves:

(a) Immediate danger of death or serious physical injury to a person;

(b) Conspiratorial activities threatening national security; or

(c) Conspiratorial activities of organized crime; and

(ii) Requires obtaining the location information before a warrant or order authorizing the search can be obtained; and

(B) Receives or discloses the information from the



operation to address the emergency situation;

(3) The State of Arkansas, a state agency, or a political subdivision of the state is responding to a call for emergency services made by the user of the electronic device;

(4) The owner or user of the electronic device consents;

(5) A prosecuting attorney has requested the information under § 16-43-212;

(6) A court with jurisdiction has ordered the release of the information under a valid court order; or

(7) The information was requested using a valid subpoena under the Arkansas Rules of Civil Procedure or the Federal Rules of Civil Procedure.

(c) This section does not prohibit the collection of information otherwise permitted under Arkansas law."

The Amendment was read _____

By: Representative Steel

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Chief Clerk