

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H4/10/13

A Bill

HOUSE BILL 2296

5 By: Representative Steel
6

For An Act To Be Entitled

8 AN ACT CONCERNING LOCATION INFORMATION OF A CELL
9 PHONE OR OTHER ELECTRONIC DEVICE; AND FOR OTHER
10 PURPOSES.
11

Subtitle

14 CONCERNING LOCATION INFORMATION OF A CELL
15 PHONE OR OTHER ELECTRONIC DEVICE.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 *SECTION 1. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended*
21 *to add a new section to read as follows:*

22 *25-1-121. Prohibition against use of certain location information.*

23 *(a) As used in this section:*

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

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

28 *(B) A remote computing service as defined in 18 U.S.C. §*
29 *2711(2), as it existed on January 1, 2013; or*

30 *(C) A location information service; and*

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

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

36 *(1) A court has issued a valid search warrant under the Arkansas*



1 Rules of Criminal Procedure;

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

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

6 (i) Involves:

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

9 (b) Conspiratorial activities threatening
10 national security; or

11 (c) Conspiratorial activities of organized
12 crime; and

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

15 (B) Receives or discloses the information from the
16 operation to address the emergency situation;

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

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

21 (5) A prosecuting attorney has requested the information under §
22 16-43-212;

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

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

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

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32 /s/Steel