

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

As Engrossed: H4/10/13 H4/17/13

A Bill

HOUSE BILL 2296

5 By: Representative Steel
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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.
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Subtitle

12 CONCERNING LOCATION INFORMATION OF A CELL
13 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; or

21 (5) A court with jurisdiction has ordered the release of the
22 information under a valid court order.

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

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27 /s/Steel
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