

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1315

5 By: Representative Petty
6

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

14 TO BE KNOWN AS THE "KELSEY SMITH ACT"; TO
15 REQUIRE CERTAIN COMMUNICATIONS CARRIERS
16 TO COOPERATE WITH A CRIMINAL
17 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
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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) “Law enforcement agency” means the Department of Arkansas
34 State Police, the Attorney General’s office, a prosecuting attorney’s office,
35 a county sheriff’s department, or a municipal police department;

36 (3) “Location information” means cell site or other geographic



1 location estimate information in possession of a commercial mobile radio
2 service provider; and

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

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6 12-12-1902. Commercial mobile radio service provider to provide
7 information upon request.

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

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

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17 12-12-1903. Limitation of liability.

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

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26 12-12-1904. Additional duties of the Department of Arkansas State
27 Police.

28 (a) The Department of Arkansas State Police shall obtain contact
29 information for all commercial mobile radio service providers authorized to
30 do business in the state or that have submitted to the jurisdiction of the
31 state in order to facilitate a request from a law enforcement agency for
32 location information under this subchapter.

33 (b) The department shall disseminate the information obtained under
34 this section on a quarterly basis or immediately as changes occur to each
35 public safety agency in the state.

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