

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1290 Session of 2014

INTRODUCED BY VULAKOVICH, ALLOWAY, BROWNE, COSTA, HUGHES,
MENSCH, SMITH, SOLOBAY AND TARTAGLIONE, MARCH 14, 2014

AS REPORTED FROM COMMITTEE ON CONSUMER AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 23, 2014

AN ACT

1 Requiring the disclosure of ~~wireless device location~~ MOBILE <--
2 COMMUNICATIONS TRACKING information; and providing for
3 immunity.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Kelsey Smith
8 Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 ~~"Law enforcement agency." A unit of local or State <--~~
14 ~~government that is authorized by law to grant full powers of~~
15 ~~arrest and to charge a person with the duties of preventing and~~
16 ~~detecting crime and enforcing the general criminal laws of this~~
17 ~~Commonwealth.~~

1 ~~"Wireless device location information." Information~~
2 ~~indicating the geographical location of a telecommunications~~
3 ~~device.~~

4 "INVESTIGATIVE OR LAW ENFORCEMENT OFFICER." THE TERM SHALL <--
5 HAVE THE SAME MEANING AS THAT IN 18 PA.C.S. § 5702 (RELATING TO
6 DEFINITIONS).

7 "MOBILE COMMUNICATIONS TRACKING INFORMATION." INFORMATION
8 GENERATED BY A COMMUNICATION COMMON CARRIER OR A COMMUNICATION
9 SERVICE WHICH INDICATES THE LOCATION OF AN ELECTRONIC DEVICE
10 SUPPORTED BY THE COMMUNICATION COMMON CARRIER OR COMMUNICATION
11 SERVICE.

12 "Wireless telecommunications service provider." A provider
13 of commercial mobile radio services, as that term is defined in
14 section 332(d) of the Communications Act of 1934 (48 Stat. 1064,
15 47 U.S.C. § 332(d)), including all broadband personal
16 communications services, wireless radio telephone services,
17 geographic area specialized and enhanced specialized mobile
18 radio services and incumbent wide area specialized mobile radio
19 licensees, which offers real-time, two-way voice service
20 interconnected with the public switched telephone network and is
21 doing business in this Commonwealth.

22 "Written form." A form ~~approved or prescribed by the~~ <--
23 ~~Attorney General~~ that includes all of the following:

24 (1) The name of the INVESTIGATIVE OR LAW ENFORCEMENT <--
25 officer making a request for disclosure.

26 (2) The jurisdiction of the ~~law enforcement agency~~ <--
27 INVESTIGATIVE OR LAW ENFORCEMENT OFFICER. <--

28 (3) A description of the request stating the need for
29 disclosure.

30 (4) The signature of the INVESTIGATIVE OR LAW <--

1 ENFORCEMENT officer and a declaration that the disclosure of
2 ~~wireless device location~~ MOBILE COMMUNICATIONS TRACKING <--
3 information is needed in an emergency situation that involves
4 the risk of death or serious physical harm to a person who
5 possesses a telecommunications device AND REQUIRES DISCLOSURE <--
6 WITHOUT DELAY OF INFORMATION RELATING TO THE EMERGENCY.

7 Section 3. Disclosure of ~~wireless device location~~ MOBILE <--
8 COMMUNICATIONS TRACKING information in emergency
9 situations.

10 (a) Disclosure.--Notwithstanding 18 Pa.C.S. ~~§ 5713 (relating~~ <--
11 ~~to emergency situations)~~ CH. 57 (RELATING TO WIRETAPPING AND <--
12 ELECTRONIC SURVEILLANCE), upon receipt of a written form from a <--
13 ~~law enforcement agency~~ AN INVESTIGATIVE OR LAW ENFORCEMENT <--
14 OFFICER, a wireless telecommunications service provider shall
15 provide the requested ~~wireless device location~~ MOBILE <--
16 COMMUNICATIONS TRACKING information concerning the device to the
17 requesting ~~law enforcement agency~~ INVESTIGATIVE OR LAW <--
18 ENFORCEMENT OFFICER.

19 (b) Protocols.--A wireless telecommunications service
20 provider shall establish protocols consistent with this act that
21 govern its response to a request from a ~~law enforcement agency~~ <--
22 AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER under this section. <--

23 Section 4. Immunity

24 No cause of action shall lie in any court against a wireless
25 telecommunications service provider, its officers, employees,
26 agents or other specified persons for providing ~~wireless device~~ <--
27 ~~location~~ MOBILE COMMUNICATIONS TRACKING information to a ~~law~~ <--
28 ~~enforcement agency~~ AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER <--
29 as required by this act.

30 Section 5. Effective date.

1 This act shall take effect in 60 days.