
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1290 Session of
2014

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

SENATOR VULAKOVICH, COMMUNICATIONS AND TECHNOLOGY, AS AMENDED,
APRIL 2, 2014

AN ACT

1 Requiring the disclosure of wireless device location
2 information; and providing for immunity.

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

5 Section 1. Short title.

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

8 Section 2. Definitions.

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

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

17 "Wireless device location information." Information

1 indicating the geographical location of a telecommunications
2 device.

3 "Wireless telecommunications service provider." A provider
4 of commercial mobile radio services, as that term is defined in
5 section 332(d) of the Communications Act of 1934 (48 Stat. 1064,
6 47 U.S.C. § 332(d)), including all broadband personal
7 communications services, wireless radio telephone services,
8 geographic area specialized and enhanced specialized mobile
9 radio services and incumbent wide area specialized mobile radio
10 licensees, which offers real-time, two-way voice service
11 interconnected with the public switched telephone network and is
12 doing business in this Commonwealth.

13 "WRITTEN FORM." A FORM APPROVED OR PRESCRIBED BY THE <--
14 ATTORNEY GENERAL THAT INCLUDES ALL OF THE FOLLOWING:

15 (1) THE NAME OF THE OFFICER MAKING A REQUEST FOR
16 DISCLOSURE.

17 (2) THE JURISDICTION OF THE LAW ENFORCEMENT AGENCY.

18 (3) A DESCRIPTION OF THE REQUEST STATING THE NEED FOR
19 DISCLOSURE.

20 (4) THE SIGNATURE OF THE OFFICER AND A DECLARATION THAT
21 THE DISCLOSURE OF WIRELESS DEVICE LOCATION INFORMATION IS
22 NEEDED IN AN EMERGENCY SITUATION THAT INVOLVES THE RISK OF
23 DEATH OR SERIOUS PHYSICAL HARM TO A PERSON WHO POSSESSES A
24 TELECOMMUNICATIONS DEVICE.

25 Section 3. Disclosure of wireless device location information
26 in emergency situations.

27 (a) Disclosure.--~~Upon~~ NOTWITHSTANDING 18 PA.C.S. § 5713 <--
28 (RELATING TO EMERGENCY SITUATIONS), UPON receipt of a written
29 ~~request~~ FORM from a law enforcement agency ~~stating that the~~ <--
30 ~~disclosure of wireless device location information is needed in~~

1 ~~an emergency situation that involves the risk of death or~~
2 ~~serious physical harm to a person who possesses a~~
3 ~~telecommunications device~~, a wireless telecommunications service
4 provider shall provide the requested wireless device location
5 information concerning the device to the requesting LAW <--
6 ENFORCEMENT agency.

7 (b) Protocols.--A wireless telecommunications service
8 provider shall establish protocols consistent with this act that
9 govern its response to a request from a law enforcement agency
10 under this section.

11 Section 4. Immunity

12 No cause of action shall lie in any court against a wireless
13 telecommunications service provider, its officers, employees,
14 agents or other specified persons for providing wireless device
15 location information to a law enforcement agency ~~while acting in~~ <--
16 ~~good faith~~ and as required by this act.

17 Section 5. Effective date.

18 This act shall take effect in 60 days.