

HR 3682 IH

111th CONGRESS

1st Session

H. R. 3682

To require telecommunications carriers to provide call location information to law enforcement agencies in emergency situations, to authorize education and training for State and local law enforcement agencies and officers with respect to the collection and use of call location information for emergency situations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

September 30, 2009

Mr. MOORE of Kansas introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require telecommunications carriers to provide call location information to law enforcement agencies in emergency situations, to authorize education and training for State and local law enforcement agencies and officers with respect to the collection and use of call location information for emergency situations, and for other purposes.

• Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

- This Act may be cited as the 'Kelsey Smith Act of 2009'.

SEC. 2. DISCLOSURE OF CALL LOCATION INFORMATION.

• Title II of the Communications Act of 1934 (47 U.S.C. 201) is amended by inserting after section 222 the following new section:

`SEC. 222A. DISCLOSURE OF CALL LOCATION INFORMATION REQUIRED.

• `(a) In General- Notwithstanding section 222, at the request of a law enforcement agency, a telecommunications carrier shall promptly provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)) or the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b)) to--

◦ `(1) a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services or to respond to an emergency situation that involves the risk of death or serious physical harm; or

◦ `(2) providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency.

- `(b) Access to Information- To meet the requirements of subsection (a), a telecommunications carrier may use, disclose, or permit access to customer proprietary network information obtained from its customers, either directly or indirectly through its agents.

- `(c) Definitions- For the purpose of this section, the terms `customer proprietary network information', `public safety answering point', and `emergency services' have the meanings given such terms in section 222.'.

SEC. 3. TRAINING LAW ENFORCEMENT TO USE CALL LOCATION INFORMATION.

- (a) Program- Not later than 6 months after the date of the enactment of this Act, the Attorney General shall establish a program, to be administered by the Office of Justice Programs, to provide education and training, on a periodic basis, to State and local law enforcement agencies and officials to assist such agencies and officials with--

- (1) understanding the provisions of Federal law (including section 222A of the Communications Act of 1934, as added by this Act) with respect to the ability of law enforcement to request and obtain call location information of a user of a commercial mobile service from a telecommunications carrier to respond to the user's call for emergency services or to respond to an emergency situation that involves the risk of death or serious physical harm; and

- (2) developing and disseminating procedures to ensure that such agencies and officers have the necessary contact information available to promptly request and obtain call location information from telecommunications carriers in the circumstances described in paragraph (1).

- (b) Definitions- In this section--

- (1) the term `commercial mobile service' has the meaning given such term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d));

- (2) the terms `customer proprietary network information', `public safety answering point', and `emergency services' have the meanings given such terms in section 222 of such Act (47 U.S.C. 222); and

- (3) the term `telecommunications carrier' has the meaning given such term in section 3 of such Act (47 U.S.C. 153).

HR 3698 IH

111th CONGRESS

1st Session

H. R. 3698

To authorize grants to State and local law enforcement training centers to provide training to State and local law enforcement agencies and officers to communicate with telecommunications carriers in emergency situations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

October 1, 2009

Mr. MORAN of Kansas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize grants to State and local law enforcement training centers to provide training to State and local law enforcement agencies and officers to communicate with telecommunications carriers in emergency situations, and for other purposes.

• Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

- This Act may be cited as the `The Kelsey Smith Law Enforcement Training Grant Program Act'.

SEC. 2. TRAINING LAW ENFORCEMENT TO EFFECTIVELY COMMUNICATE WITH TELECOMMUNICATIONS CARRIERS IN EMERGENCY SITUATIONS.

- (a) Grant Program-

◦ (1) IN GENERAL- Subject to the availability of appropriations to carry out this section, the Attorney General shall award grants to State and local law enforcement training centers to provide annual training to State and local law enforcement agencies and officers to effectively communicate with telecommunications carriers in emergency situations, including situations involving missing persons and child abductions.

◦ (2) USE OF GRANT- Training provided with a grant under this section shall include training on how to access contact information for, and request call location information of a user of a commercial mobile service from, a telecommunications carrier to respond to such user's call for emergency services or to respond to an emergency situation that involves the risk of death or serious physical harm.

- (3) GRANT PERIOD- Each grant awarded under this section shall be for a 2-year period.

- (b) Selection of Grantees-

◦ (1) APPLICATION DEADLINE- Not later than 6 months after the date of enactment of this Act, each State or local law enforcement training center desiring a grant under this section shall submit to the Attorney General an application for a grant under this section at such time, in such manner, and containing such information as the Attorney General may require.

◦ (2) AWARD DEADLINE- The Attorney General shall award grants under this section not later than 8 months after the date of the enactment of this Act.

◦ (3) PRIORITY- In selecting State and local law enforcement training centers to receive grants under this section, the Attorney General shall give priority to applications from training centers that serve State or local law enforcement agencies that demonstrate the greatest need for the training described in subsection (a)(2).

• (c) Reports- Not later than 3 months after the end of the 2-year grant period, each State or local law enforcement training center receiving a grant under this section shall submit to the Attorney General a report summarizing the training program carried out with such grant, including the strengths and weaknesses of the program and any recommendations for continuation of the program.

• (d) Definitions- In this section--

◦ (1) the term `commercial mobile service' has the meaning given such term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d));

◦ (2) the term `emergency services' has the meaning given such term in section 222 of such Act (47 U.S.C. 222); and

◦ (3) the term `telecommunications carrier' has the meaning given such term in section 3 of such Act (47 U.S.C. 153).

• (e) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$40,000,000 for each of the fiscal years 2010 and 2011.

HR 3717 IH

111th CONGRESS

1st Session

H. R. 3717

To amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.

IN THE HOUSE OF REPRESENTATIVES

October 1, 2009

Mr. TIAHRT introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.

• Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

- This Act may be cited as the 'Kelsey Smith Act'.

SEC. 2. REQUIRED DISCLOSURE OF CALL LOCATION INFORMATION.

• Title II of the Communications Act of 1934 (47 U.S.C. 201) is amended by inserting after section 222 the following new section:

`SEC. 222A. REQUIRED DISCLOSURE OF CALL LOCATION INFORMATION.

• `(a) In General- Notwithstanding section 222, at the request of a law enforcement agency, a telecommunications carrier shall provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)) or the telecommunication device of the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b)) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services or to respond to an emergency situation that involves the risk of death or serious physical harm.

• `(b) Hold Harmless- No cause of action shall lie in any court against any provider of a commercial mobile service or an IP-enabled voice service, its officers, employees, or agents for providing call location information under subsection (a) while acting in good faith and in accordance with this section and any regulations promulgated pursuant to this section.

- `(c) Definitions- For the purpose of this section, the terms `customer proprietary network information', `public safety answering point', and `emergency services' have the meanings for such terms as defined in section 222.'.

HR 3803 IH

111th CONGRESS

1st Session

H. R. 3803

To amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves risk of death or serious physical harm.

IN THE HOUSE OF REPRESENTATIVES

October 13, 2009

Mr. TIAHRT (for himself and Mr. MOORE of Kansas) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves risk of death or serious physical harm.

• Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

- This act may be cited as the 'Kelsey Smith Act'.

SEC. 2. REQUIRED DISCLOSURE OF CALL INFORMATION LOCATION.

• Title II of the Communications Act of 1934 (47 U.S.C. 201) is amended by inserting after section 222 the following new section:

`SEC. 222A. REQUIRED DISCLOSURE OF CALL LOCATION INFORMATION.

• `(a) In General- Notwithstanding section 222, at the request of a law enforcement agency, a telecommunications carrier shall provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)) or the telecommunications device of the user of an IP-enabled voice service (as such term is defined in section 7 of the Wireless Communications and Public Safety Act of 1999 (47 U.S.C. 615b)) to a law enforcement official, in order to respond to the user's call for emergency services or to respond to an emergency situation that involves the risk of death or serious physical harm.

• `(b) Hold Harmless- No cause of action shall lie in any court against any provider of a commercial mobile service or an IP-enabled voice service, its officers, employees, or agents for providing call location information under subsection (a) while acting in good faith and in accordance with this section and any regulations promulgated pursuant to this section.

- `(c) Definitions- For the purpose of this section, the terms `customary proprietary network information', `public safety answering point', and `emergency services' have the meanings for such terms as defined in section 222.'

SEC. 3. TRAINING LAW ENFORCEMENT TO USE CALL LOCATION INFORMATION.

- (a) Program- Not later than 6 months after the date of the enactment of this Act, the Attorney General under the Byrne Law Enforcement Grant Program and administered by the Office of Justice Programs, shall provide education and training, on a periodic basis, to State and local law enforcement agencies and officials to assist such agencies and officials with--

- (1) understanding the provisions of Federal law (including section 222A of the Communications Act of 1934, as added by this Act) with respect to the ability of law enforcement to request and obtain call location information of a user of a commercial mobile service from a telecommunications carrier to respond to the user's call for emergency services or to respond to an emergency situation that involves the risk of death or serious physical harm; and

- (2) developing and disseminating procedures to ensure that such agencies and officers have the necessary contact information available to promptly request and obtain call location information from telecommunications carriers in the circumstances described in paragraph (1).

- (b) Definitions- In this section--

- (1) the term `commercial mobile service' has the meaning given such term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)); and

- (2) the term `telecommunications carrier' has the meaning given such term in section 3 of such Act (47 U.S.C. 153).

state of Kansas
legislation passed
July 2009

NOTE: This version of the bill, signed by the Governor on April 17th, 2009 contains errors affecting the content of the bill. The language in this version does not accurately reflect the final decision of the Legislature. Corrected language is included in 2009 SB 336 passed during the Veto Session.

SENATE Substitute for HOUSE BILL No. 2126

AN ACT concerning telecommunications; relating to providing caller location in emergency situations.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Upon request of a law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the telecommunications device of the user to the requesting law enforcement agency in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.

(b) Notwithstanding any other provision of law to the contrary, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier could voluntarily disclose call location information.

(c) No cause of action shall lie in any court against any wireless telecommunications carrier, its officers, employees, agents or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section.

(d) The Kansas bureau of investigation shall obtain contact information for all wireless telecommunications carriers authorized to do business in the state of Kansas or submitting to the jurisdiction thereof in order to facilitate a request from a law enforcement agency for call location information in accordance with this section.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

NOTE: This Conference Committee Report Brief reflects the agreement reached on March 26, 2009 however the version of the bill signed by the Governor on April 17th, 2009 contained errors affecting the content of the bill. Senate Sub. for HB 2126 was repealed by 2009 SB 336 which enacted the Kelsey Smith Act as described below.

SESSION OF 2009

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2126**

As Agreed to March 26, 2009

Brief*

Senate Sub. for HB 2126 would enact the Kelsey Smith Act, which would require wireless telecommunications carriers to provide information about the location of the telecommunications device of a user of the carriers' services, if requested by a law enforcement agency in order to respond to a call for emergency services or to respond in an emergency situation that involves risk of death or serious physical harm. Wireless carriers would be authorized, but not required, to establish protocols for voluntary disclosure of call location information. The provision of information as required by the bill would not create a cause of action against a telecommunications carrier acting in good faith and in accordance with the provisions of the Act.

To facilitate requests from law enforcement for call location information, the Kansas Bureau of Investigation would be required to obtain the contact information for all wireless telecommunications carriers doing business in Kansas, and to distribute that information to public safety answering points on a quarterly basis or anytime a change in the information occurred. The Bureau would be required to adopt rules and regulations to implement the Act by July 1, 2010.

The bill would take effect upon publication in the *Kansas Register*.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Conference Committee Action

The Conference Committee removed the provisions related to Enhanced 911 for Wireless Service and VoIP (Substitute for SB 48).

Background

The Senate Committee amended the contents of Substitute for SB 48 into HB 2126, which also was amended to create the Kelsey Smith Act. The Senate Committee amendments additionally would:

- Clarify the circumstances under which location information could be provided under this Act to a law enforcement agency;
- Allow wireless telecommunications carriers to establish their own protocols for voluntarily disclosing call location information; and
- Require the Kansas Bureau of Investigation to collect and distribute contact information for wireless telecommunications carriers.

Kelsey Smith Act

The Senate Committee received testimony in support of HB 2126, as passed by the House, from Representative Rob Olson, Greg and Missey Smith, and representatives of the League of Kansas Municipalities, Sprint, Verizon, and the Johnson County Sheriff's Office. A representative of AT&T provided neutral testimony on the bill.

The House-passed version of HB 2126 would require a request for location information prior to its release to a law enforcement official or agency; specify that location information

resulting from a “ping locate” be released in cases where there is danger of death or serious injury; and limit recourse against a telecommunication service provider who furnishes information in compliance with the act.

Introduction of HB 2126 was requested by Representative Rob Olson. During the House Committee hearing on the bill Representative Olson; the parents of Kelsey Smith, who was abducted and murdered in 2007; and a representative of Overland Park presented testimony in support of the bill. Representative Olson suggested amendments to the introduced version of the bill, and representatives of AT&T and Sprint, as well as the Johnson County Sheriff, presented testimony in support of the proposed amendments.

Enhanced 911 for Wireless Service and VoIP

Sub. for SB 48 was in the House Committee on Energy and Utilities at the time the Senate Committee amended it into HB 2115. The Senate bill had been heard, but not acted upon, by the House Committee.

The Senate Committee of the Whole amended Sub. for SB 48 to direct the Joint Committee to also study and make recommendations on appropriate uses of the Wireless Enhanced 911 Grant Fund.

The Senate Utilities Committee recommended Sub. for SB 48 after discussing the need to look at a broad range of issues in order to develop policy to help ensure future 911 services in Kansas are appropriately funded and provide state of the art service across the State.

SB 48 was introduced by the Senate Utilities Committee at the request of the Kansas Association of Counties, whose representative testified that the introduced version of the bill would extend the current funding mechanism for enhanced 911 for wireless and VoIP service for ten years and would provide for additional audits during that timeframe, would increase to

85,000 the upper population limit for municipalities eligible for grant funds, and would modify the definition of allowable uses of 911 fee moneys to cover equipment upgrades for the next generation of E911 systems.

Other proponents of the introduced version of the bill included Johnson County Emergency Communications, Sedgwick County Department of Emergency Communications, Kansas Legislative Policy Group, a Morton County Commissioner, Kansas Sheriffs Association, Kansas Chapter of Association of Public Safety Communication Officials International, Kansas Emergency Management Association, Kansas Statewide Interoperability Executive Committee, Kansas County Commissioners Association, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, Kansas Emergency Medical Services Association, and Johnson County Police Chiefs' and Sheriffs' Association, and a Miami County Commissioner.

Organizations providing neutral testimony on the bill included the League of Kansas Municipalities, Embarq, Verizon Wireless and Sprint. There was no testimony in opposition to the bill.

The fiscal notes prepared by the Division of the Budget on the introduced versions of HB 2126 and SB 48 are not relevant to the substitute bill.

Kelsey Smith act; enhanced 911 for wireless service and VoIP

February 3, 2009

The Honorable Carl Holmes, Chairperson
House Committee on Energy and Utilities
Statehouse, Room 142-W
Topeka, Kansas 66612

Dear Representative Holmes:

SUBJECT: Fiscal Note for HB 2126 by House Committee on Energy and Utilities

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2126 is respectfully submitted to your committee.

HB 2126 would require telecommunications carriers to provide service user call location information in response to an emergency situation. Upon request, the information would be made available to the following:

1. Public safety answering points or emergency medical service providers; emergency dispatch providers; public safety, fire service, or law enforcement officials; hospital emergency facilities;
2. A user's legal guardian or immediate family; or,
3. Emergency service database management providers.

The League of Kansas Municipalities indicates that enactment of HB 2126 would have no fiscal effect on local governments, and the Kansas Highway Patrol estimates the bill would have no fiscal effect on agency operations. A request for information was sent to the Kansas Corporation Commission; however, no information had been received at the time this fiscal note was written.

Sincerely,



Duane A. Goossen
Director of the Budget

cc: Tom Day, KCC
Robert Waller, EMS
Sheryl Weller, KHP