

114TH CONGRESS
2D SESSION

H. R. 4889

To amend the Communications Act of 1934 to require providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user’s call for emergency services.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2016

Mr. YODER (for himself, Ms. JENKINS of Kansas, Mr. CLEAVER, and Mr. POMPEO) 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 providers of a covered service to provide call location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer in an emergency situation involving risk of death or serious physical injury or in order to respond to the user’s call for emergency services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kelsey Smith Act”.

1 **SEC. 2. REQUIRED EMERGENCY DISCLOSURE OF CALL LO-**
2 **CATION INFORMATION TO LAW ENFORCE-**
3 **MENT.**

4 Section 222 of the Communications Act of 1934 (47
5 U.S.C. 222) is amended—

6 (1) in subsection (d)—

7 (A) by redesignating paragraphs (1)
8 through (4) as subparagraphs (A) through (D),
9 respectively;

10 (B) by striking “nothing in this section”
11 and inserting the following:

12 “(1) PERMITTED DISCLOSURES.—Nothing in
13 this section”; and

14 (C) by adding at the end the following:

15 “(2) REQUIRED EMERGENCY DISCLOSURE OF
16 CALL LOCATION INFORMATION TO LAW ENFORCE-
17 MENT.—Notwithstanding subsections (a), (b), and
18 (c), at the request of an investigative or law enforce-
19 ment officer, a provider of a covered service shall
20 provide to such officer the call location information,
21 or the best available location information, of a tele-
22 communications device that is—

23 “(A) used to place a 9–1–1 call requesting
24 emergency assistance; or

25 “(B) reasonably believed to be in the pos-
26 session of an individual that the law enforce-

1 ment officer reasonably believes is in an emer-
2 gency situation that involves the risk of death
3 or serious physical harm to the individual.”;

4 (2) in subsection (f)(1), by striking “subsection
5 (d)(4)” and inserting “subsection (d)(1)(D)”; and

6 (3) in subsection (h), by adding at the end the
7 following:

8 “(8) COVERED SERVICE.—The term ‘covered
9 service’ means—

10 “(A) a commercial mobile service (as de-
11 fined in section 332); or

12 “(B) an IP-enabled voice service (as de-
13 fined in section 7 of the Wireless Communica-
14 tions and Public Safety Act of 1999 (47 U.S.C.
15 615b)).

16 “(9) INVESTIGATIVE OR LAW ENFORCEMENT
17 OFFICER.—The term ‘investigative or law enforce-
18 ment officer’ has the meaning given such term in
19 section 2510 of title 18, United States Code.”.

○