

AMENDMENT TO H.R. 4889

OFFERED BY _____

Strike all after the enacting clause and inert the following:

1 **SECTION 1. SHORT TITLE.**

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

3 **SEC. 2. REQUIRED EMERGENCY DISCLOSURE OF CALL LO-**
4 **CATION INFORMATION.**

5 (a) IN GENERAL.—Title II of the Communications
6 Act of 1934 (47 U.S.C. 201 et seq.) is amended by insert-
7 ing after section 222 the following:

8 **“SEC. 222A. REQUIRED EMERGENCY DISCLOSURE OF CALL**
9 **LOCATION INFORMATION.**

10 “(a) IN GENERAL.—Notwithstanding section 222, at
11 the request of an investigative or law enforcement officer
12 in accordance with this section, a provider of a covered
13 service shall provide call location information concerning
14 the telecommunications device of a user of such service
15 to such officer.

16 “(b) FORM OF REQUEST.—A request to a provider
17 of a covered service by an investigative or law enforcement
18 officer for call location information under subsection (a)
19 shall be accompanied by a sworn written statement from

1 such officer stating facts that support such officer's prob-
2 able cause to believe that disclosure without delay is re-
3 quired—

4 “(1) by an emergency involving risk of death or
5 serious physical injury; or

6 “(2) in order to respond to the user's call for
7 emergency services.

8 “(c) HOLD HARMLESS.—No cause of action shall lie
9 in any court nor shall any civil or administrative pro-
10 ceeding be commenced by a governmental entity against
11 any telecommunications carrier, or its directors, officers,
12 employees, agents, or vendors, for providing in good faith
13 call location information or other information, facilities,
14 or assistance in accordance with subsection (a) and any
15 regulations promulgated under this section.

16 “(d) COURT ORDER.—Not later than 48 hours after
17 an investigative or law enforcement officer makes a re-
18 quest for call location information under subsection (a),
19 the law enforcement agency of such officer shall request
20 a court order stating whether such officer had probable
21 cause to believe that the conditions described in subsection
22 (b)(1) or subsection (b)(2) existed at the time of the re-
23 quest under subsection (a).

24 “(e) DEFINITIONS.—In this section:

1 “(1) COVERED SERVICE.—The term ‘covered
2 service’ means—

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

5 “(B) an IP-enabled voice service (as de-
6 fined in section 7 of the Wireless Communica-
7 tions and Public Safety Act of 1999 (47 U.S.C.
8 615b)).

9 “(2) EMERGENCY SERVICES.—The term ‘emer-
10 gency services’ has the meaning given such term in
11 section 222.

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

16 (b) REGULATIONS.—Not later than 180 days after
17 the date of the enactment of this Act, the Federal Commu-
18 nications Commission shall, after public notice and com-
19 ment, adopt regulations to implement section 222A(a) of
20 the Communications Act of 1934, as added by subsection
21 (a).

