
ENGROSSED SUBSTITUTE SENATE BILL 5158

State of Washington

64th Legislature

2015 Regular Session

By Senate Law & Justice (originally sponsored by Senators McCoy and Fraser)

READ FIRST TIME 02/11/15.

1 AN ACT Relating to requiring call location information to be
2 provided to law enforcement responding to an emergency; amending RCW
3 40.24.070; adding a new section to chapter 80.36 RCW; and creating a
4 new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 80.36
7 RCW to read as follows:

8 (1) A wireless telecommunications provider must provide
9 information in its possession concerning the current or most recent
10 location of a telecommunications device and call information of a
11 user of the device when requested by a law enforcement agency. A law
12 enforcement agency must meet the following requirements:

13 (a) A law enforcement agency may only request this information
14 when, in the law enforcement officer's exercise of reasonable
15 judgment, he or she believes that the individual is in an emergency
16 situation that involves the risk of death or serious physical harm
17 and requires disclosure without a delay of information relating to
18 the emergency.

19 (b) Concurrent to making a request, the responding law
20 enforcement agency must check the federal bureau of investigation's
21 national crime information center and any other available databases

1 to identify if either the person requesting the call location
2 information or the person for whom the call location information is
3 being requested has any history of domestic violence or any court
4 order restricting contact by a respondent.

5 (c) Concurrent to making a request, the responding law
6 enforcement agency must also check with the Washington state patrol
7 to identify if either the person requesting the call location
8 information or the person for whom the call location information is
9 being requested is participating in the address confidentiality
10 program established in chapter 40.24 RCW. The secretary of state must
11 make name information available to the Washington state patrol from
12 the address confidentiality program as required under RCW 40.24.070.
13 The Washington state patrol must not further disseminate list
14 information except on an individual basis to respond to a request
15 under this section.

16 (d) If the responding law enforcement agency identifies or has
17 reason to believe someone has a history of domestic violence or
18 stalking, has a court order restricting contact, or if the Washington
19 state patrol identifies someone as participating in the address
20 confidentiality program, then the law enforcement agency must not
21 provide call location information to the individual who requested the
22 information, unless pursuant to the order of a court of competent
23 jurisdiction.

24 (e) A law enforcement agency may not request information under
25 this section for any purpose other than responding to a call for
26 emergency services or in an emergency situation that involves the
27 risk of death or serious physical harm.

28 (2) A wireless telecommunications provider may establish
29 protocols by which the carrier voluntarily discloses call location
30 information to law enforcement.

31 (3) No cause of action may be brought in any court against any
32 wireless telecommunications provider, its officers, employees,
33 agents, or other specified persons for providing call location
34 information while acting in good faith and in accordance with the
35 provisions of this section.

36 (4) All wireless telecommunications providers registered to do
37 business in the state of Washington and all resellers of wireless
38 telecommunications services shall submit their emergency contact
39 information to the Washington state patrol in order to facilitate
40 requests from a law enforcement agency for call location information

1 in accordance with this section. Any change in contact information
2 must be submitted immediately.

3 (5) The Washington state patrol must maintain a database
4 containing emergency contact information for all wireless
5 telecommunications providers registered to do business in the state
6 of Washington and must make the information immediately available
7 upon request to facilitate a request from law enforcement for call
8 location information under this section.

9 (6) The Washington state patrol may adopt by rule criteria for
10 fulfilling the requirements of this section.

11 **Sec. 2.** RCW 40.24.070 and 2008 c 18 s 5 are each amended to read
12 as follows:

13 The secretary of state may not make any records in a program
14 participant's file available for inspection or copying, other than
15 the address designated by the secretary of state, except under the
16 following circumstances:

17 (1) If requested by a law enforcement agency, to the law
18 enforcement agency; and

19 (a) The participant's application contains no indication that he
20 or she has been a victim of domestic violence, sexual assault, or
21 stalking perpetrated by a law enforcement employee; and

22 (b) The request is in accordance with official law enforcement
23 duties and is in writing on official law enforcement letterhead
24 stationery and signed by the law enforcement agency's chief officer,
25 or his or her designee; or

26 (2) If directed by a court order, to a person identified in the
27 order; and

28 (a) The request is made by a nonlaw enforcement agency; or

29 (b) The participant's file indicates he or she has reason to
30 believe he or she is a victim of domestic violence, sexual assault,
31 or stalking perpetrated by a law enforcement employee.

32 (3) To the Washington state patrol solely for the use authorized
33 in section 1 of this act, provided that participant information must
34 clearly distinguish between those participants requesting disclosure
35 to a law enforcement agency of the location of a telecommunications
36 device and call information of the user, and those participants who
37 request nondisclosure to a law enforcement agency of the location of
38 a telecommunications device and call information of the user. The
39 Washington state patrol may not use the information or make the

1 information available for inspection and copying for any other
2 purpose than authorized in section 1 of this act. The secretary of
3 state may adopt rules to make available the information required for
4 the purposes of this section and section 1 of this act. The secretary
5 of state and the secretary of state's officers, employees, or
6 custodian, are not liable, nor shall a cause of action exist, for any
7 loss or damage based upon the release of information, or the
8 nondisclosure of information, from the address confidentiality
9 program to the Washington state patrol if the agency, officer,
10 employee, or custodian acted in good faith in attempting to comply
11 with the provisions of this section and section 1 of this act.

12 NEW SECTION. **Sec. 3.** This act may be known and cited as the
13 Kelsey Smith act.

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