
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; adding a new
3 section to chapter 80.36 RCW; and creating a new section.

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

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

7 (1) A wireless telecommunications provider must provide
8 information in its possession concerning the current or most recent
9 location of a telecommunications device and call information of a
10 user of the device when requested by a law enforcement agency. A law
11 enforcement agency requesting the location of a telecommunications
12 device or call information of a user in an emergency situation that
13 involves the risk of death or serious physical harm must meet the
14 following requirements:

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

1 (b) Concurrent to making a request, the responding law
2 enforcement agency must check the federal bureau of investigation's
3 national crime information center and any other available databases
4 to identify if either the person requesting the call location
5 information or the person for whom the call location information is
6 being requested has any history of domestic violence or any court
7 order restricting contact by a respondent.

8 (c) Concurrent to making a request, the responding law
9 enforcement agency must also check with the secretary of state's
10 office to identify if either the person requesting the call location
11 information or the person for whom the call location information is
12 being requested is participating in the address confidentiality
13 program established in chapter 40.24 RCW. The secretary of state's
14 office must provide an official point of contact and telephone number
15 to the state emergency management division E911 office for law
16 enforcement outside of business hours.

17 (d) If the responding law enforcement agency identifies or has
18 reason to believe someone as having a history of domestic violence, a
19 court order restricting contact, or stalking, or as participating in
20 the address confidentiality program, then the law enforcement agency
21 must not provide call location information to a nonlaw enforcement
22 person, entity, or agency requesting the call location, unless
23 pursuant to the order of a court of competent 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, unless pursuant to the order
28 of a court of competent jurisdiction.

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

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

37 (4) Within ninety days of the effective date of this section, all
38 wireless telecommunications providers registered to do business in
39 the state of Washington and all resellers of wireless
40 telecommunications services shall submit their emergency contact

1 information to the state emergency management division E911 office in
2 order to facilitate requests from a law enforcement agency for call
3 location information in accordance with this section. Any change in
4 contact information must be submitted immediately.

5 (5) The state emergency management division E911 office must
6 maintain a database containing emergency contact information for all
7 wireless telecommunications providers registered to do business in
8 the state of Washington and must make the information immediately
9 available upon request to facilitate a request from law enforcement
10 for call location information under this section.

11 (6) The authority provided in this section does not preclude law
12 enforcement officers from otherwise seeking information concerning
13 current or past locations of a telecommunications device, call
14 information of a device, or the user of a device when the information
15 is sought in connection with a pending or ongoing criminal
16 investigation, regardless of whether the law enforcement officer
17 believes an emergency situation exists.

18 NEW SECTION. **Sec. 2.** This act may be known and cited as the
19 Kelsey Smith act.

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