

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5158

64th Legislature
2015 Regular Session

Passed by the Senate April 21, 2015
Yeas 49 Nays 0

President of the Senate

Passed by the House April 14, 2015
Yeas 97 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5158** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5158

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

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) The law enforcement officer making the request on behalf of
14 the law enforcement agency must be on duty during the course of his
15 or her official duties at the time of the request;

16 (b) The law enforcement agency must verify there is no
17 relationship or conflict of interest between the law enforcement
18 officer responding, investigating or making the request, and either
19 the person requesting the call location information or the person for
20 whom the call location information is being requested;

1 (c) A law enforcement agency may only request this information
2 when, in the law enforcement officer's exercise of reasonable
3 judgment, he or she believes that the individual is in an emergency
4 situation that involves the risk of death or serious physical harm
5 and requires disclosure without a delay of information relating to
6 the emergency;

7 (d) Concurrent to making a request, the responding law
8 enforcement agency must check the federal bureau of investigation's
9 national crime information center and any other available databases
10 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 has any history of domestic violence or any court
13 order restricting contact by a respondent;

14 (e) Concurrent to making a request, the responding law
15 enforcement agency must also check with the Washington state patrol
16 to identify if either the person requesting the call location
17 information or the person for whom the call location information is
18 being requested is participating in the address confidentiality
19 program established in chapter 40.24 RCW. The secretary of state must
20 make name information available to the Washington state patrol from
21 the address confidentiality program as required under RCW 40.24.070.
22 The Washington state patrol must not further disseminate list
23 information except on an individual basis to respond to a request
24 under this section;

25 (f) If the responding law enforcement agency identifies or has
26 reason to believe someone has a history of domestic violence or
27 stalking, has a court order restricting contact, or if the Washington
28 state patrol identifies someone as participating in the address
29 confidentiality program, then the law enforcement agency must not
30 provide call location information to the individual who requested the
31 information, unless pursuant to the order of a court of competent
32 jurisdiction. A law enforcement agency may not disclose information
33 obtained under this section to any other party except first
34 responders responding to the emergency situation; and

35 (g) A law enforcement agency may not request information under
36 this section for any purpose other than responding to a call for
37 emergency services or in an emergency situation that involves the
38 risk of death or serious physical harm.

1 (2) A wireless telecommunications provider may establish
2 protocols by which the carrier discloses call location information to
3 law enforcement.

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

9 (4) All wireless telecommunications providers registered to do
10 business in the state of Washington and all resellers of wireless
11 telecommunications services shall submit their emergency contact
12 information to the Washington state patrol in order to facilitate
13 requests from a law enforcement agency for call location information
14 in accordance with this section. Any change in contact information
15 must be submitted immediately.

16 (5) The Washington state patrol must maintain a database
17 containing emergency contact information for all wireless
18 telecommunications providers registered to do business in the state
19 of Washington and must make the information immediately available
20 upon request to facilitate a request from law enforcement for call
21 location information under this section.

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

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

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

30 (1) If requested by a law enforcement agency, to the law
31 enforcement agency; and

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

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

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

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

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

7 (3) To the Washington state patrol solely for the use authorized
8 in section 1 of this act, provided that participant information must
9 clearly distinguish between those participants requesting disclosure
10 to a law enforcement agency of the location of a telecommunications
11 device and call information of the user, and those participants who
12 request nondisclosure to a law enforcement agency of the location of
13 a telecommunications device and call information of the user. The
14 Washington state patrol may not use the information or make the
15 information available for inspection and copying for any other
16 purpose than authorized in section 1 of this act. The secretary of
17 state may adopt rules to make available the information required for
18 the purposes of this section and section 1 of this act. The secretary
19 of state and the secretary of state's officers, employees, or
20 custodian, are not liable, nor shall a cause of action exist, for any
21 loss or damage based upon the release of information, or the
22 nondisclosure of information, from the address confidentiality
23 program to the Washington state patrol if the agency, officer,
24 employee, or custodian acted in good faith in attempting to comply
25 with the provisions of this section and section 1 of this act.

26 NEW SECTION. Sec. 3. This act may be known and cited as the
27 Kelsey Smith act.

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