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**SUBSTITUTE SENATE BILL 5158**

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**State of Washington 64th Legislature 2015 Regular Session**

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

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

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

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

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

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

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

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

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

(e) A law enforcement agency may not request information under this section for any purpose other than responding to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm, unless pursuant to the order of a court of competent jurisdiction.

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

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

(4) Within ninety days of the effective date of this section, all wireless telecommunications providers registered to do business in the state of Washington and all resellers of wireless telecommunications services shall submit their emergency contact information to the state emergency management division E911 office in order to facilitate requests from a law enforcement agency for call location information in accordance with this section. Any change in contact information must be submitted immediately.

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

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

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

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