

Stricken language would be deleted from and underlined language would be added to present law.
Act 584 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S2/28/19

A Bill

SENATE BILL 204

By: Senator J. Sturch
By: Representative Petty

For An Act To Be Entitled

AN ACT CONCERNING INTERNET PROTOCOL ADDRESS
GEOLOCATION INFORMATION IN AN EMERGENCY SITUATION;
AND FOR OTHER PURPOSES.

Subtitle

CONCERNING INTERNET PROTOCOL ADDRESS
GEOLOCATION INFORMATION IN AN EMERGENCY
SITUATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 12, Chapter 12, Subchapter 19, is amended to read as follows:

Subchapter 19 – Location Information of a Wireless Telecommunications Device
and Geolocation of Internet Protocol Address in an Emergency Situation

12-12-1901. Definitions.

As used in this subchapter:

(1) "Commercial mobile radio service" means a commercial mobile service under 47 U.S.C. § 151 et seq., Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66;

(2) "Contact information" means the name of a person or a compilation of names of persons who can immediately respond to and facilitate a request for location information from a public safety agency at any time;

(3) "Geolocation" means the identification or estimation of a geographic location of an internet-enabled device connected to a computer



network;

(4) "Internet protocol (IP) address" means a numerical label assigned to each device connected to a computer network that uses internet protocol for communication;

~~(3)~~(5) "Law enforcement agency" means the Department of Arkansas State Police, the Attorney General's office, a prosecuting attorney's office, a county sheriff's department, ~~or~~ a municipal police department, or a state agency with a law enforcement division;

~~(4)~~(6) "Location information" means cell site or other geographic location estimate information in possession of a commercial mobile radio service provider; and

~~(5)~~(7) "Public safety agency" means an agency that provides ~~fire fighting~~ firefighting, law enforcement, medical, or other emergency services.

12-12-1902. Commercial mobile radio service or internet service provider to provide information upon request.

(a) Upon request of a law enforcement agency, a commercial mobile radio service provider shall provide location information of a wireless telecommunications device and an internet service provider shall provide geolocation information of an internet protocol (IP) address to the law enforcement agency, in the most expeditious manner reasonably available to the internet service provider, in order ~~to~~ that the law enforcement agency may respond to a call for emergency services or ~~in~~ to an emergency situation that involves the risk of death or serious physical harm.

(b) This section does not prohibit a commercial mobile radio service provider or an internet service provider from establishing protocols by which the commercial mobile radio service provider or the internet service provider may voluntarily disclose location information or geolocation information.

(c) Within five (5) days of providing location information or geolocation information to a requesting law enforcement agency, a commercial mobile radio service provider or an internet service provider that supplied the law enforcement agency with location information or geolocation information under this subchapter may request, and the law enforcement agency shall provide, the court order, subpoena, or search warrant, as applicable, outlining the request made and the actions taken by the law enforcement agency.

12-12-1903. Limitation of liability.

Notwithstanding any other provision of law, a commercial mobile radio service provider or an internet service provider, or ~~its~~ the officers, employees, assigns, or agents of a commercial mobile radio service provider or an internet service provider are not liable for civil damages or criminal liability in connection with the development, design, installation, operation, maintenance, performance, release, or provision of location information or geolocation information or for any failure to timely process or release any request for location information or geolocation information as may be necessary under this subchapter.

12-12-1904. Providers to submit contact information to Arkansas Crime Information Center.

A commercial mobile radio service provider or internet service provider either authorized to do business in the state or that has submitted to the jurisdiction of the state shall immediately submit all contact information to the Arkansas Crime Information Center and shall immediately update the contact information as changes occur.

12-12-1905. Additional duties of Arkansas Crime Information Center.

The Arkansas Crime Information Center shall make available the contact information obtained under § 12-12-1904 on at least a quarterly basis or immediately as changes occur to each public safety agency in the state.

12-12-1906. Prohibition against abuse.

(a) A commercial mobile radio service provider or internet service provider that believes their requirements under this subchapter are being abused by a law enforcement agency or a specific law enforcement officer may report the suspected abuse to the Department of Arkansas State Police for further investigation.

(b) If the law enforcement agency that the commercial mobile radio service provider or internet service provider believes is abusing the requirements of this subchapter is the Department of Arkansas State Police, the commercial mobile radio service provider or internet service provider may report the suspected abuse to the Attorney General.

/s/J. Sturch

APPROVED: 3/29/19