

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

As Engrossed: H2/18/15 H2/23/15  
**A Bill**

HOUSE BILL 1315

By: Representative Petty

### **For An Act To Be Entitled**

AN ACT TO BE KNOWN AS THE "KELSEY SMITH ACT"; TO REQUIRE CERTAIN COMMUNICATIONS CARRIERS TO COOPERATE WITH A CRIMINAL INVESTIGATION IN CERTAIN CIRCUMSTANCES; AND FOR OTHER PURPOSES.

### **Subtitle**

TO BE KNOWN AS THE "KELSEY SMITH ACT"; TO REQUIRE CERTAIN COMMUNICATIONS CARRIERS TO COOPERATE WITH A CRIMINAL INVESTIGATION IN CERTAIN CIRCUMSTANCES.

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

SECTION 1. Arkansas Code Title 12, Chapter 12, is amended to add a new subchapter to read as follows:

Subchapter 19 – Location Information of a Wireless Telecommunications Device  
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 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) "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;

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

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

12-12-1902. Commercial mobile radio 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 to the law enforcement agency in order to respond to a call for emergency services or in 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 from establishing protocols by which the commercial mobile radio service provider may voluntarily disclose location information.

12-12-1903. Limitation of liability.

Notwithstanding any other provision of law, a commercial mobile radio service provider or its officers, employees, assigns, or agents 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 for any failure to timely process or release any request for location 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 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.

/s/Petty