
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

SB 182 Engrossed

DIGEST
2015 Regular Session

Thompson

Proposed law creates the "Kelsey Smith Act".

Proposed law provides that upon receipt of an electronic or other written request of a law enforcement agency, a provider of commercial mobile services shall provide device location information concerning the commercial mobile service device of the user to the requesting law enforcement officer agency if either of the following events occurs:

- (1) A call for emergency services initiated from the commercial mobile service device of the user.
- (2) An emergency situation that involves the risk of death or serious bodily harm to the user of the commercial mobile service device.

Proposed law provides that all providers of commercial mobile services registered to do business in this state, or submitting to the jurisdiction thereof, shall submit emergency contact information to the Dept. of Public Safety and Corrections, office of state police, in order to facilitate requests from law enforcement agencies for location information. The contact information shall be submitted by July first of each year and immediately upon any change in contact information.

Proposed law provides that the office of state police shall maintain a database containing emergency contact information for all providers of commercial mobile services and shall make such information immediately available to all law enforcement agencies in the state.

Proposed law provides that the office of state police may adopt rules in accordance with the Administrative Procedure Act to implement the provisions of proposed law.

Proposed law provides that notwithstanding any other provision of law to the contrary, a provider of commercial mobile services may establish protocols by which the provider voluntarily discloses device location information.

Proposed law provides that the release of information made in accordance with proposed law shall be made in a manner respectful of a user's right to privacy.

Proposed law provides that no person shall have a cause of action against any provider of commercial mobile services, its officers, employees, agents, or other specified persons for providing device location information while acting in good faith and in accordance with the provisions of proposed law. Also provides that proposed law shall not apply to damage or injury caused by gross negligence or willful and wanton misconduct.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 45:844.9 and 844.10)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Replaces the term "wireless telecommunications device" with "commercial mobile service device"
2. Deletes the requirement that a provider respond immediately to a request made by law enforcement agencies.
3. Changes the written request of a law enforcement agency to include an electronic or other written request.
4. Provides that a release of requested information be made in a manner respectful to a person's right of privacy.