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

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DIGEST

SB 182 Original

2015 Regular Session

Thompson

Proposed law creates the "Kelsey Smith Act".

Proposed law provides that upon written request of a law enforcement agency, a wireless telecommunications service provider shall immediately provide location information concerning the wireless telecommunications device of the user to the requesting law enforcement agency if either of the following events occurs:

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

Proposed law provides that all wireless telecommunications service providers 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. Such contact information shall be submitted by July first of each year or 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 wireless telecommunications service providers and shall make such information immediately available upon request 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 wireless telecommunications service provider may establish protocols by which the provider voluntarily discloses device location information.

Proposed law defines a "wireless telecommunications device" as a cellular telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, or any other substantially similar wireless device that is used to engage in a call, write, send, or read text or data through manual input.

Proposed law provides that no person shall have a cause of action against any wireless telecommunications service provider, 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)