
DIGEST

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HB 456 Reengrossed

2015 Regular Session

Thierry

Abstract: Requires commercial mobile service providers and telecommunications carriers to disclose call location information to law enforcement agencies during emergency situations and allows for the establishment of procedures.

Proposed law enacts the Louisiana Kelsey Smith Act.

Proposed law enumerates definitions for the purposes of proposed law in order to provide for clarification.

Proposed law defines "commercial mobile service providers" and "telecommunications carriers" as they are identified and regulated by specified federal law. Proposed law identifies the emergency circumstances in which a law enforcement agency may require a commercial mobile service provider or telecommunications carrier to provide them with specific call location information.

Proposed law provides limited liability for commercial mobile service providers, telecommunications carriers, and their officers, employees, agents, or other designees when disclosing call location information to law enforcement agencies pursuant to the provisions of proposed law.

Proposed law allows commercial mobile service providers and telecommunications carriers to maintain or establish protocols by which they may voluntarily disclose call location information.

Proposed law requires commercial mobile service providers and telecommunications carriers who are either registered to do business in Louisiana or submit to the jurisdiction thereof to annually submit their emergency contact information to the Dept. of Public Safety and Corrections (DPS&C) to facilitate requests made by law enforcement agencies pursuant to the provisions of proposed law. Proposed law requires the DPS&C to maintain a listing of the emergency contact information they receive from commercial mobile service providers and telecommunications carriers.

Proposed law empowers the DPS&C and law enforcement agencies of this state to enforce the provisions of proposed law.

Proposed law directs the DPS&C to promulgate any rules and regulations in accordance with the Administrative Procedure Act necessary to implement the provisions of proposed law.

Proposed law provides for effective dates.

(Adds R.S. 45:844.61-844.67)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.
2. Remove a nonexclusive list from the defined term "law enforcement agency".
3. Remove authorization permitting the Dept. of Public Safety and Corrections ("DPS&C") to promulgate specified rules or regulation relative to penalties for violations.
4. Remove reference to an establishment of a schedule of fines for violations.
5. Authorize the DPS&C to promulgate rules and regulations in accordance with the Administrative Procedure Act necessary to implement the provisions of proposed law.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Modify the definition of the term "law enforcement agency" for clarification.