2013 -- S 0284 AS AMENDED

STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2013

A N  A C T
RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS

Introduced By: Senators Doyle, Pearson, Jabour, Gallo, and Lynch
Date Introduced: February 12, 2013
Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 39-2-20 of the General Laws in Chapter 39-2 entitled "Duties of Utilities and Carriers" is hereby amended to read as follows:

39-2-20. Communications common carriers -- Duty to disclose certain information. -

(a) A communications common carrier, as defined in section 12-5.1-1, shall disclose to the attorney general, or an assistant attorney general specially designated by the attorney general, or any chief of police, the director of the statewide fugitive task force, or the superintendent of state police, the names, addresses, and telephone numbers of persons to whom nonpublished service is furnished upon written certification by the attorney general, or assistant attorney general, or any chief of police, the director of the statewide fugitive task force or the superintendent of state police that the information is necessary for an investigation of or prosecution of criminal violations of the laws of Rhode Island. No cause of action shall lie in any court against any communications common carrier, its officers, employees, or agents for furnishing or disclosing the information in accordance with the certification. The attorney general, or any chief of police, or the superintendent of state police, or the director of the statewide fugitive task force shall not disclose any information obtained as a result of the written certification except as it is essential to the proper discharge of their duties.

(1) Upon request of a law enforcement agency, a wireless telecommunications carrier shall provide device location information concerning the telecommunications device of the user.
to the requesting 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 injury to any person
and requires disclosure without delay of information relating to the emergency.

(2) Notwithstanding any other provision of law to the contrary, nothing in this section
prohibits a wireless telecommunications carrier from establishing protocols by which the carrier
could voluntarily disclose device location information.

(3) No cause of action shall lie in any court against any wireless telecommunications
carrier, 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 this section.

(4) All wireless telecommunications carriers registered to do business in the state of
Rhode Island or submitting to the jurisdiction thereof and all resellers of wireless
telecommunications services shall submit their emergency contact information to the Rhode
Island division of public safety's E-911 unit in order to facilitate requests from a law enforcement
agency for call location information in accordance with this section. This contact information
must be submitted annually by June 15th or immediately upon any change in contact information.

(5) The Rhode Island division of public safety's E-911 unit shall maintain a database
containing emergency contact information for all wireless telecommunications carriers registered
to do business in the state of Rhode Island and shall make the information immediately available
upon request to all public safety answer points in the state.

(6) This section shall be known and may be cited as the "Kelsey Smith Act."

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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This act would create the "Kelsey Smith Act" which would require telecommunications carriers to provide call location information of a telecommunication device to a requesting law enforcement agency in emergency situations that involve death or serious risk of harm.

This act would take effect upon passage.

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