

2021 -- H 5869

LC000739

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS

Introduced By: Representatives Noret, Casimiro, Vella-Wilkinson, Corvese, Craven, and Hull

Date Introduced: February 24, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **39-2-20. Communications common carriers -- Duty to disclose certain information.**

4 (a) A communications common carrier, as defined in § 12-5.1-1, shall disclose to the
5 attorney general, or an assistant attorney general specially designated by the attorney general, or
6 any chief of police, the director of the statewide fugitive task force, ~~or~~ the superintendent of state
7 police, [or a sworn law enforcement officer or Rhode Island state trooper](#), the names, addresses, and
8 telephone numbers of persons to whom nonpublished service is furnished upon written certification
9 by the attorney general, or assistant attorney general, or any chief of police, the director of the
10 statewide fugitive task force, ~~or~~, the superintendent of state police [or a sworn law enforcement](#)
11 [officer or Rhode Island state trooper](#), that the information is necessary for an investigation of or
12 prosecution of criminal violations of the laws of Rhode Island. No cause of action shall lie in any
13 court against any communications common carrier, its officers, employees, or agents for furnishing
14 or disclosing the information in accordance with the certification. The attorney general, or any chief
15 of police, ~~or~~ the superintendent of state police, [a sworn law enforcement officer or Rhode Island](#)
16 [state trooper](#), or the director of the statewide fugitive task force shall not disclose any information
17 obtained as a result of the written certification except as it is essential to the proper discharge of
18 their duties.

19 (b)(1) Upon request of a law enforcement agency, a wireless telecommunications carrier

1 shall provide device location information concerning the telecommunications device of the user to
2 the requesting law enforcement agency in order to respond to a call for emergency services or in
3 an emergency situation that involves the risk of death or serious physical injury to any person and
4 requires disclosure without delay of information relating to the emergency.

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

8 (3) No cause of action shall lie in any court against any wireless telecommunications
9 carrier, its officers, employees, agents, or other specified persons for providing device location
10 information while acting in good faith and in accordance with the provisions of this section.

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

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

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

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would include sworn law enforcement officers and Rhode Island state troopers in
2 the group of persons who may obtain the name, address and telephone numbers of persons to whom
3 nonpublished service is furnished.

4 This act would take effect upon passage.

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