



Senate Communications & Technology Committee

Senator Randy Vulakovich, Chairman

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Bill Summary

Bill Number: SB 1290, P.N. 1843

Prime Sponsor: Vulakovich

Prepared By: Nathan Silcox

Date: April 2, 2014

A. Synopsis

SB 1290 would enact the “Kelsey Smith Act” by requiring wireless providers to “ping” a potential victim’s cell phone at the written request of law enforcement officials to help locate the missing person when there is a risk of death or serious physical harm. The bill would also provide the wireless provider with immunity for complying with this act in good faith.

B. Summary of Legislation

SB 1290 would add Section 1 (Short Title) by citing the act as the Kelsey Smith Act.

The bill would add Section 2 (Definitions) by defining “Law Enforcement Agency,” “Wireless Device Location Information,” and “Wireless Communications Service Provider.”

The bill would add Section 3 (Disclosure of Wireless Device Location Information in Emergency Situations) by requiring wireless telecommunications service providers to provide the location of a wireless communications device upon receipt of a written request from a law enforcement agency stating that the disclosure of the location is needed in an emergency situation that involves the risk of death or serious physical harm to a person. The bill would also require a wireless telecommunications service provider to establish protocols consistent with this act that governs its response to a request from a law enforcement agency.

The bill would add Section 4 (Immunity) by prohibiting a cause of action against a wireless telecommunications service provider for providing wireless device location information to a law enforcement agency while acting in good faith.

SB 1290 would take effect in 60 days.

C. Summary of Relevant Existing Law

Title 35 (Health & Safety) of the PA Consolidated Statutes Section 5311.2 (Powers and Duties of the Agency) requires all wireless carriers to provide PEMA with a 24-hour, seven-days-a-week contact telephone number or pager number for use by public safety answering point (PSAPs) in emergency situations.

Title 35 (Health & Safety) of the PA Consolidated Statutes Section 5309 (Telephone Records) requires wireless carriers to provide the telephone number and geographical location of a wireless device, as required under the FCC E-911 Order to PSAPs when requested by them for use in responding to 911 calls.

D. Additional Information

To date similar legislation has passed in the following states:

1. Kansas - April 17, 2009
2. New Jersey - January 29, 2010
3. Nebraska - March 17, 2010
4. Minnesota - May 13, 2010
5. New Hampshire - July 13, 2010
6. North Dakota - April 8, 2011
7. Tennessee - April 26, 2012
8. Hawaii - April 30, 2012
9. Missouri - July 6, 2012
10. Utah - March 27, 2013
11. West Virginia - April 12, 2013
12. Colorado - May 13, 2013
13. Nevada - May 23, 2013
14. Rhode Island - July 15, 2013