

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1058

By: David

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5
6 AS INTRODUCED

7 An Act relating to telecommunication records;
8 creating the Kelsey Smith Act; requiring certain
9 disclosures; defining term; protecting preclusions;
10 requiring certain information; providing certain
11 deadline; requiring creation of database; providing
for codification; and providing an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2200 of Title 21, unless there
15 is created a duplication in numbering, reads as follows:

16 This act shall be known and may be cited as the "Kelsey Smith
17 Act".

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2201 of Title 21, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Upon request of a law enforcement agency, a wireless
22 telecommunications carrier shall provide call location information
23 concerning the telecommunications device of the user to the
24 requesting law enforcement agency in order to respond to a call for

1 emergency services or in an emergency situation that involves the
2 risk of death or serious physical harm.

3 B. For the purposes of this section, "law enforcement agency"
4 means any municipality, sheriff's office or other public agency who
5 employs full-time employees of the state whose permanent duties
6 include but are not limited to:

- 7 1. Making arrests;
- 8 2. Performing searches and seizures;
- 9 3. Executing criminal warrants;
- 10 4. Preventing or detecting crime; or
- 11 5. Enforcing the penal, traffic or highway laws of this state.

12 C. Notwithstanding any other provisions of law to the contrary,
13 nothing in this section prohibits a wireless telecommunications
14 carrier from establishing protocols by which the carrier could
15 voluntarily disclose call location information.

16 D. No cause of action shall lie in any court against any
17 wireless telecommunications carrier, its officers, employees, agents
18 or other specified persons for providing call location information
19 while acting in good faith and in accordance with the provisions of
20 this section.

21 E. 1. All wireless telecommunications carriers registered to
22 do business in the state of Oklahoma or submitting to the
23 jurisdiction thereof and all resellers of wireless
24 telecommunications services shall submit their emergency contact

1 information to the Oklahoma State Bureau of Investigation in order
2 to facilitate requests from a law enforcement agency for call
3 location information in accordance with this section. This contact
4 information must be submitted annually by June 15th or immediately
5 upon any change in contact information.

6 2. The Oklahoma State Bureau of Investigation shall maintain a
7 database containing emergency contact information for all wireless
8 telecommunications carriers registered to do business in the state
9 of Oklahoma and shall make the information immediately available
10 upon request to all public safety answer points in the state.

11 SECTION 3. This act shall become effective November 1, 2016.

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