

1 ENGROSSED HOUSE AMENDMENT  
2 TO  
3 ENGROSSED SENATE BILL NO. 272 By: Weaver and Stephens of the  
Senate  
4 and  
5 Worthen of the House  
6  
7  
8 [ wireless telecommunications carriers - Kelsey Smith  
9 Act - certain database - codification - effective  
10 date ]  
11  
12  
13 AUTHOR: Add the following House Coauthor: Fugate  
14 AMENDMENT NO. 1. Delete the stricken title, enacting clause and  
15 entire bill and replace with:  
16 "An Act relating to wireless telecommunications  
17 carriers; creating the Kelsey Smith Act; defining  
18 term; requiring wireless telecommunications carriers  
19 to provide call location information under certain  
20 emergency circumstances; requiring notice when call  
21 location information is provided to a law  
22 enforcement agency; requiring submission of certain  
23 contact information to the Oklahoma State Bureau of  
Investigation at specified times; requiring  
maintenance of certain database; requiring  
promulgation of certain rules; providing construing  
provision; prohibiting civil or criminal liability  
for certain actions; providing for codification; and  
providing an effective date.  
24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1       SECTION 1.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 178 of Title 13, unless there is  
3 created a duplication in numbering, reads as follows:

4       A. This act shall be known and may be cited as the "Kelsey  
5 Smith Act".

6       B. As used in this act, "law enforcement agency" means any  
7 department or agency of this state or a political subdivision of  
8 this state that employs personnel certified by the Council on Law  
9 Enforcement Education and Training and is empowered by law to  
10 maintain public order, make arrests and enforce the criminal laws of  
11 this state or municipal ordinances.

12       C. Upon request of a law enforcement agency, a wireless  
13 telecommunications carrier shall provide call location information  
14 of the telecommunications device of a user to the requesting agency  
15 in order to respond to a call for emergency services or in an  
16 emergency situation that involves risk of death or serious physical  
17 harm. If call location information is provided to a law enforcement  
18 agency for the purposes set forth in this section, notice shall be  
19 given to the user within thirty (30) days after the call for  
20 emergency services or the emergency situation.

21       D. A wireless telecommunications carrier registered to do  
22 business in this state or otherwise submitting to the jurisdiction  
23 of this state and a reseller of wireless telecommunications services  
24 shall submit emergency contact information for the carrier to the

1 Oklahoma State Bureau of Investigation (OSBI) to facilitate requests  
2 from a law enforcement agency for call location information in  
3 accordance with this section. Such contact information shall be  
4 submitted annually by July 1 or immediately upon any change in  
5 contact information. The OSBI shall maintain a database containing  
6 emergency contact information for carriers required pursuant to this  
7 subsection and shall make the information immediately available upon  
8 request to any law enforcement agency in this state. The OSBI shall  
9 promulgate rules to implement the requirements of this subsection.  
10 Nothing in this subsection shall be construed to require carriers to  
11 submit emergency contact information for individual customers to the  
12 OSBI.

13 E. A wireless telecommunications carrier, its officers,  
14 employees or agents shall have no civil or criminal liability for  
15 providing call location information while acting in good faith and  
16 in accordance with the provisions of this section.

17 SECTION 2. This act shall become effective November 1, 2021."  
18  
19  
20  
21  
22  
23  
24

1 Passed the House of Representatives the 15th day of April, 2021.

2  
3  
4 Presiding Officer of the House of  
Representatives  
5

6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

7  
8  
9 Presiding Officer of the Senate  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1 ENGROSSED SENATE  
2 BILL NO. 272

By: Weaver and Stephens of the  
Senate

3 and

4 Worthen of the House

5  
6  
7 [ wireless telecommunications carriers - Kelsey Smith  
8 Act - certain database - codification - effective  
9 date ]  
10

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

12 SECTION 3. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 178 of Title 13, unless there is  
14 created a duplication in numbering, reads as follows:

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

17 B. As used in this act, "law enforcement agency" means any  
18 department or agency of this state or a political subdivision of  
19 this state that employs CLEET-certified personnel and is empowered  
20 by law to maintain public order, make arrests and enforce the  
21 criminal laws of this state or municipal ordinances.

22 C. Upon request of a law enforcement agency, a wireless  
23 telecommunications carrier shall provide call location information  
24 of the telecommunications device of a user to the requesting agency

1 in order to respond to a call for emergency services or in an  
2 emergency situation that involves risk of death or serious physical  
3 harm. If call location information is provided to a law enforcement  
4 agency for the purposes set forth in this section, notice shall be  
5 given to the user within thirty (30) days after the call for  
6 emergency services or the emergency situation.

7 D. A wireless telecommunications carrier registered to do  
8 business in this state or otherwise submitting to the jurisdiction  
9 of this state and a reseller of wireless telecommunications services  
10 shall submit emergency contact information for the carrier to the  
11 Oklahoma State Bureau of Investigation to facilitate requests from a  
12 law enforcement agency for call location information in accordance  
13 with this section. Such contact information shall be submitted  
14 annually by July 1st or immediately upon any change in contact  
15 information. OSBI shall maintain a database containing emergency  
16 contact information for carriers required pursuant to this  
17 subsection and shall make the information immediately available upon  
18 request to any law enforcement agency in this state. OSBI shall  
19 promulgate rules to implement the requirements of this subsection.  
20 Nothing in this subsection shall be construed to require carriers to  
21 submit emergency contact information for individual customers to  
22 OSBI.

23 E. Nothing in this section shall prohibit a wireless  
24 telecommunications carrier from establishing protocols by which the

1 carrier could voluntarily disclose call location information to a  
2 law enforcement agency. A wireless telecommunications carrier, its  
3 officers, employees or agents shall have no civil or criminal  
4 liability for providing call location information while acting in  
5 good faith and in accordance with the provisions of this section.

6 SECTION 4. This act shall become effective November 1, 2021.

7 Passed the Senate the 3rd day of March, 2021.

8  
9  
10 

---

Presiding Officer of the Senate

11 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
12 2021.

13  
14 

---

Presiding Officer of the House  
15 of Representatives