

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 272

By: Weaver and Stephens of the  
Senate

and

Worthen of the House

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10                               COMMITTEE SUBSTITUTE

11           An Act relating to wireless telecommunications  
12           carriers; creating the Kelsey Smith Act; defining  
13           term; requiring wireless telecommunications carriers  
14           to provide call location information under certain  
15           emergency circumstances; requiring notice when call  
16           location information is provided to a law enforcement  
17           agency; requiring submission of certain contact  
18           information to the Oklahoma State Bureau of  
19           Investigation at specified times; requiring  
20           maintenance of certain database; requiring  
21           promulgation of certain rules; providing construing  
22           provision; prohibiting civil or criminal liability  
23           for certain actions; providing for codification; and  
24           providing an effective date.

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

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

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

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

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

18       D. A wireless telecommunications carrier registered to do  
19 business in this state or otherwise submitting to the jurisdiction  
20 of this state and a reseller of wireless telecommunications services  
21 shall submit emergency contact information for the carrier to the  
22 Oklahoma State Bureau of Investigation (OSBI) to facilitate requests  
23 from a law enforcement agency for call location information in  
24 accordance with this section. Such contact information shall be

1 submitted annually by July 1 or immediately upon any change in  
2 contact information. The OSBI shall maintain a database containing  
3 emergency contact information for carriers required pursuant to this  
4 subsection and shall make the information immediately available upon  
5 request to any law enforcement agency in this state. The OSBI shall  
6 promulgate rules to implement the requirements of this subsection.  
7 Nothing in this subsection shall be construed to require carriers to  
8 submit emergency contact information for individual customers to the  
9 OSBI.

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

14 SECTION 2. This act shall become effective November 1, 2021.

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16 COMMITTEE REPORT BY: COMMITTEE ON TECHNOLOGY, dated 03/31/2021 - DO  
17 PASS, As Amended.

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