

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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