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February 19, 2021

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 272

By: Weaver

An Act relating to wireless telecommunications carriers; creating the Kelsey Smith Act; providing short title; defining term; requiring wireless telecommunications carriers to provide certain call location under certain emergency circumstances; requiring certain notice; requiring submission of certain contact information to the Oklahoma State Bureau of Investigation at specified times; requiring maintenance of certain database; requiring promulgation of certain rules; construing provisions; prohibiting civil or criminal liability for certain actions; providing for codification; and 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:

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

B. As used in this act, "law enforcement agency" means any department or agency of this state or a political subdivision of this state that employs CLEET-certified personnel and is empowered

1 by law to maintain public order, make arrests and enforce the
2 criminal laws of this state or municipal ordinances.

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

12 D. A wireless telecommunications carrier registered to do
13 business in this state or otherwise submitting to the jurisdiction
14 of this state and a reseller of wireless telecommunications services
15 shall submit emergency contact information for the carrier to the
16 Oklahoma State Bureau of Investigation to facilitate requests from a
17 law enforcement agency for call location information in accordance
18 with this section. Such contact information shall be submitted
19 annually by July 1st or immediately upon any change in contact
20 information. OSBI shall maintain a database containing emergency
21 contact information for carriers required pursuant to this
22 subsection and shall make the information immediately available upon
23 request to any law enforcement agency in this state. OSBI shall
24 promulgate rules to implement the requirements of this subsection.

1 Nothing in this subsection shall be construed to require carriers to
2 submit emergency contact information for individual customers to
3 OSBI.

4 E. Nothing in this section shall prohibit a wireless
5 telecommunications carrier from establishing protocols by which the
6 carrier could voluntarily disclose call location information to a
7 law enforcement agency. A wireless telecommunications carrier, its
8 officers, employees or agents shall have no civil or criminal
9 liability for providing call location information while acting in
10 good faith and in accordance with the provisions of this section.

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

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
13 February 19, 2021 - DO PASS AS AMENDED
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