

CHAPTER 342—H.F.No. 2639

An act relating to public safety; requiring wireless telecommunications service providers to provide call locations for emergencies; providing for the Kelsey Smith Act; proposing coding for new law in Minnesota Statutes, chapter 237.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[237.82] DEFINITIONS; CALL LOCATION INFORMATION.**

Subdivision 1. **Scope.** The definitions in this section apply to section 237.83.

Subd. 2. **Call location information.** "Call location information" means information indicating the geographical location of a telecommunications device.

Subd. 3. **Law enforcement agency.** "Law enforcement agency" means:

(1) a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state; and

(2) subject to the limitations in section 626.93, a law enforcement agency of a federally recognized tribe, as defined in United States Code, title 25, section 450b(e).

Subd. 4. **Wireless telecommunications service provider.** "Wireless telecommunications service provider" means a provider of commercial mobile radio services, as that term is defined in United States Code, title 47, section 332, subsection (d), including all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees, that offers real-time, two-way voice service interconnected with the public switched telephone network and that is doing business in this state.

Sec. 2. **[237.83] DISCLOSURE OF CALL LOCATION INFORMATION; EMERGENCY SITUATIONS.**

Subdivision 1. **Written request.** Upon receipt of a written request from a law enforcement agency stating that the disclosure of call location information is needed in an emergency situation that involves the risk of death or serious physical harm to a person who possesses a telecommunications device, a wireless telecommunications service provider shall provide the requested call location information concerning that device to the requesting agency.

Subd. 2. **Protocols.** A wireless telecommunications service provider shall establish protocols consistent with this section that govern its response to a request from a law enforcement agency under subdivision 1.

Subd. 3. **Cause of action limitation.** No cause of action shall lie in any court against a wireless telecommunications service provider, its officers, employees, agents,

or other specified persons for providing call location information while acting in good faith and according to this section.

Subd. 4. **Provider contact information.** The Bureau of Criminal Apprehension shall obtain contact information for all wireless telecommunications service providers authorized to do business in Minnesota or submitting to the jurisdiction of this state in order to facilitate a request from a law enforcement agency for call location information under this section. The bureau shall disseminate this information on a quarterly basis, or immediately as changes occur, to all public safety answer points in the state.

Sec. 3. **KELSEY SMITH ACT.**

This act shall be known as the Kelsey Smith Act.

Presented to the governor May 11, 2010

Signed by the governor May 13, 2010, 10:19 a.m.