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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1852 Session of  
2013

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INTRODUCED BY STEPHENS, BOBACK, ROZZI, DAVIS, SCHLOSSBERG,  
GIBBONS, MILLARD, JAMES, BAKER, KORTZ, SCHLEGEL CULVER,  
COHEN, MURT, ROCK, R. MILLER, VEREB, MCGEEHAN, WHITE,  
GINGRICH, D. COSTA, WATSON AND MOUL, NOVEMBER 25, 2013

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 25, 2013

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AN ACT

1 Requiring the disclosure of wireless device location information  
2 and providing for definitions and immunity.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Kelsey Smith  
7 Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Law enforcement agency." A unit of State or local  
13 government that is authorized by law to grant full powers of  
14 arrest and to charge a person with the duties of preventing and  
15 detecting crime and enforcing the general criminal laws of this  
16 Commonwealth.

17 "Wireless device location information." Information

1 indicating the geographical location of a telecommunications  
2 device.

3 "Wireless telecommunications service provider." A provider  
4 of commercial mobile service as defined under section 332(d) of  
5 the Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. §  
6 332(d)). The term shall include all broadband personal  
7 communications services, wireless radio telephone services,  
8 geographic area-specialized and enhanced-specialized mobile  
9 radio services and incumbent-wide area-specialized mobile radio  
10 licensees that offer real-time, two-way voice service  
11 interconnected with the public switched telephone network and  
12 that is doing business in this Commonwealth.

13 Section 3. Disclosure of wireless device location information  
14 in emergency situations.

15 (a) Request.--Upon receipt of a written request from a law  
16 enforcement agency stating that the disclosure of wireless  
17 device location information is needed in an emergency situation  
18 that involves the risk of death or serious physical harm to a  
19 person who possesses a telecommunications device, a wireless  
20 telecommunications service provider shall provide the requested  
21 wireless device location information concerning that device to  
22 the requesting agency.

23 (b) Protocols.--A wireless telecommunications service  
24 provider shall establish protocols consistent with this chapter  
25 that govern its response to a request from a law enforcement  
26 agency under this section.

27 Section 4. Immunity.

28 No cause of action shall lie in any court against a wireless  
29 telecommunications service provider, its officers, employees,  
30 agents or other specified persons for providing wireless device

1 location information to a law enforcement agency as required by  
2 section 3(a) of this act.  
3 Section 5. Effective date.  
4 This act shall take effect in 60 days.