

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 614
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10294-SA-2A

Short Title: Kelsey Smith Act.

(Public)

Sponsors: Representatives Hurley and McNeill (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR WARRANTLESS ACCESS BY LAW ENFORCEMENT TO
3 TELECOMMUNICATIONS DEVICE LOCATION INFORMATION UNDER CERTAIN
4 CIRCUMSTANCES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. This act shall be known as the Kelsey Smith Act.

7 SECTION 2. Chapter 15A of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 16C.

10 "Provision of Wireless Call Location Data to Law Enforcement.

11 "**§ 15A-300.10. Provision of call location data by wireless service provider to law
12 enforcement.**

13 (a) The following definitions apply in this section:

14 (1) Call location data. – Global positioning system, triangulation, and per-call
15 measurement data indicating the location of a telecommunications device.
16 Call location data does not include the contents of any communication made
17 using a telecommunications device.

18 (2) Imminent. – With respect to a risk of death or serious physical harm, means
19 that the length of time necessary to comply with otherwise applicable
20 provisions of law pertaining to obtaining authorization for electronic
21 surveillance would, in the professional judgment of the law enforcement
22 agency based upon generally accepted surveillance and investigation
23 protocols, significantly reduce the chance of preventing death or serious
24 physical harm.

25 (3) Public safety answering point. – Defined in G.S. 143B-1400.

26 (4) Wireless service provider. – A commercial mobile radio service provider, as
27 defined in G.S. 143B-1400, including providers of subscription-based,
28 in-vehicle security service.

29 (b) Upon request of a law enforcement agency or a public safety answering point on
30 behalf of a law enforcement agency, a wireless service provider shall provide call location data
31 concerning the telecommunications device of a user to the requesting law enforcement agency
32 or public safety answering point. A law enforcement agency or public safety answering point
33 may request data under this section only in an emergency situation that involves an imminent
34 risk of death or serious physical harm and may only request the amount of data reasonably
35 necessary to prevent the imminent death or serious physical harm.



1 (c) A wireless service provider may establish procedures for voluntary disclosure of call
2 location data.

3 (d) A civil action may not be brought in any court against any wireless service provider
4 or any other person for providing call location data if the provider acted in good-faith reliance
5 upon the representations of the law enforcement agency or public safety answering point and as
6 required by this section.

7 (e) All wireless service providers registered to do business in the State shall submit
8 emergency contact information to the State Bureau of Investigation in order to facilitate requests
9 from law enforcement agencies for call location data. This information must be submitted
10 annually by June 15 or immediately upon any change in emergency contact information.

11 (f) The State Bureau of Investigation shall maintain a database containing emergency
12 contact information for all wireless service providers registered to do business in the State and
13 shall make the information readily available upon request to all public safety answering points
14 located in the State."

15 **SECTION 3.** This act becomes effective July 1, 2019.