

CHAPTER 148

(HB 375)

AN ACT relating to call location information.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 17 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section:*
- (a) *"Call location information" means the best available location information, including but not limited to information obtained using historical cellular site information or a mobile locator tool;*
 - (b) *"Emergency responder" has the same meaning as in KRS 194A.400;*
 - (c) *"Law enforcement agency" means any lawfully organized investigative agency, sheriff's office, police unit, or police force of state, county, urban-county government, charter county, city, consolidated local government, or a combination of these, responsible for the detection of crime and the enforcement of the general criminal laws, and excludes constables.*
 - (d) *"Public safety answering point" has the same meaning as in KRS 65.750;*
 - (e) *"Wireless communications device" means any wireless electronic communication device that provides for voice or data communication between two (2) or more parties, including a mobile or cellular telephone; and*
 - (f) *"Wireless telecommunications carrier" means a provider of commercial mobile radio services, 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 licenses, which offer real-time, two-way voice services interconnected with the public switched telephone network and doing business in this Commonwealth.*
- (2) (a) *Upon a request from a public safety answering point or law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the wireless communications device of a wireless telecommunications user to the requesting public safety answering point or law enforcement agency, in order to respond to a call for emergency services or in an emergency situation that involves the imminent risk of death or serious physical injury.*
- (b) *Local emergency responders seeking call location information under this section shall direct inquiries to either a public safety answering point or a law enforcement agency, and the highest ranking person on duty at the public safety answering point or a law enforcement agency shall determine, in consultation with the emergency responders in the jurisdiction in which the emergency call or situation arose, whether the conditions under paragraph (a) of this subsection are met.*
- (3) *Notwithstanding any other provision of law to the contrary, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier could voluntarily disclose call location information.*
- (4) *No cause of action shall lie in any court against any wireless telecommunications carrier or its officers, employees, or agents for providing call location information while acting in good faith and in accordance with this section.*
- (5) (a) *In order to facilitate requests for call location information in accordance with this section, all wireless telecommunications carriers and all resellers of wireless telecommunications doing business in the Commonwealth shall submit emergency contact information to:*
- 1. *The Department of Kentucky State Police, for dissemination to law enforcement agencies; and*
 - 2. *The Kentucky 911 Services Board, as created in KRS 65.7623, for dissemination to public safety answering points.*
- (b) *The contact information required under this subsection shall be submitted annually, or immediately upon any change in contact information.*

- (6) *All public safety answering points and law enforcement agencies shall develop and maintain policies and procedures regarding this section.*
- (7) *Call location information gathered pursuant to this section shall not be disclosed to any party who is not officially involved in the underlying emergency response.*

➔Section 2. This Act may be cited as the Leah Carter Act.

Signed by Governor March 26, 2019.