

1 AN ACT relating to call location information.

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

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

5 *(1) For purposes of this section:*

6 *(a) "Call location information" means the best available location information,*  
7 *including but not limited to information obtained using historical cellular*  
8 *site information or a mobile locator tool;*

9 *(b) "Wireless communications device" means any wireless electronic*  
10 *communication device that provides for voice or data communication*  
11 *between two (2) or more parties, including a mobile or cellular telephone;*  
12 *and*

13 *(c) "Wireless telecommunications carrier" means a provider of commercial*  
14 *mobile radio services, including all broadband personal communications*  
15 *services, wireless radio telephone services, geographic area specialized and*  
16 *enhanced specialized mobile radio services, and incumbent wide area*  
17 *specialized mobile radio licenses, which offer real-time, two-way voice*  
18 *services interconnected with the public switched telephone network and*  
19 *doing business in this Commonwealth.*

20 *(2) (a) Upon the request of the Department of Kentucky State Police, a wireless*  
21 *telecommunications carrier shall provide call location information*  
22 *concerning the wireless communications device of a wireless*  
23 *telecommunications user to the Department of Kentucky State Police, in*  
24 *order to respond to a call for emergency services or in an emergency*  
25 *situation that involves the risk of death or serious physical injury.*

26 *(b) Local emergency responders seeking call location information shall direct*  
27 *inquiries to the Department of Kentucky State Police, and the Department*

1           of Kentucky State Police shall determine, in consultation with the local  
2           emergency responders in the jurisdiction in which the emergency call or  
3           situation arose, whether the conditions under paragraph (a) of this  
4           subsection are met.

5   (3) Notwithstanding any other provision of law to the contrary, nothing in this  
6   section prohibits a wireless telecommunications carrier from establishing  
7   protocols by which the carrier could voluntarily disclose call location  
8   information.

9   (4) No cause of action shall lie in any court against any wireless telecommunications  
10   carrier or its officers, employees, or agents for providing call location  
11   information while acting in good faith and in accordance with this section.

12   (5) All wireless telecommunications carriers doing business in the Commonwealth  
13   and all resellers of wireless telecommunications shall submit their emergency  
14   contact information to the Kentucky Department of State Police in order to  
15   facilitate requests from a law enforcement agency for call location information in  
16   accordance with this section. This contact information shall be submitted to the  
17   Kentucky Department of State Police annually, or immediately upon any change  
18   in contact information.

19   (6) (a) No law enforcement agency or emergency response service, other than the  
20   Kentucky Department of State Police, shall contact wireless  
21   telecommunications carriers for call location information.

22   (b) Call location information gathered pursuant to this section shall not be  
23   disclosed to any party who is not officially involved in the underlying  
24   emergency response.

25   (7) The Department of Kentucky State Police shall promulgate administrative  
26   regulations for the operation and administration of this section.

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