

2013 -- H 5456

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND  
CARRIERS

Introduced By: Representatives Johnston, Ucci, Hull, Canario, and Carnevale

Date Introduced: February 14, 2013

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 39-2-20 of the General Laws in Chapter 39-2 entitled "Duties of  
2 Utilities and Carriers" is hereby amended to read as follows:

3           **39-2-20. Communications common carriers -- Duty to disclose certain information. -**

4       (a) A communications common carrier, as defined in section 12-5.1-1, shall disclose to the  
5 attorney general, or an assistant attorney general specially designated by the attorney general, or  
6 any chief of police, the director of the statewide fugitive task force, or the superintendent of state  
7 police, the names, addresses, and telephone numbers of persons to whom nonpublished service is  
8 furnished upon written certification by the attorney general, or assistant attorney general, or any  
9 chief of police, the director of the statewide fugitive task force or the superintendent of state  
10 police that the information is necessary for an investigation of or prosecution of criminal  
11 violations of the laws of Rhode Island. No cause of action shall lie in any court against any  
12 communications common carrier, its officers, employees, or agents for furnishing or disclosing  
13 the information in accordance with the certification. The attorney general, or any chief of police,  
14 or the superintendent of state police, or the director of the statewide fugitive task force shall not  
15 disclose any information obtained as a result of the written certification except as it is essential to  
16 the proper discharge of their duties.

17           (1) Upon request of a law enforcement agency, a wireless telecommunications carrier  
18 shall provide call location information concerning the telecommunications device of the user to

1 the requesting law enforcement agency in order to respond to a call for emergency services or in  
2 an emergency situation that involves the risk of death or serious physical harm.

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

6 (3) No cause of action shall lie in any court against any wireless telecommunications  
7 carrier, its officers, employees, agents or other specified persons for providing call location  
8 information while acting in good faith and in accordance with the provisions of this section.

9 (4) All wireless telecommunications carriers registered to do business in the state of  
10 Rhode Island or submitting to the jurisdiction thereof and all resellers of wireless  
11 telecommunications services shall submit their emergency contact information to the Rhode  
12 Island division of public safety's E-911 unit in order to facilitate requests from a law enforcement  
13 agency for call location information in accordance with this section. This contact information  
14 must be submitted annually by June 15<sup>th</sup> or immediately upon any change in contact information.

15 (5) The Rhode Island division of public safety's E-911 unit shall maintain a database  
16 containing emergency contact information for all wireless telecommunications carriers registered  
17 to do business in the state of Rhode Island and shall make the information immediately available  
18 upon request to all public safety answer points in the state.

19 (6) Rules and regulations shall be promulgated by the director of the Rhode Island  
20 division of public safety to fulfill the requirements of this section no later than September 15,  
21 2013.

22 (7) This section shall be known and may be cited as the "Kelsey Smith Act."

23 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would create the "Kelsey Smith Act" which would require telecommunications  
2 carriers to provide call location information of a telecommunication device to a requesting law  
3 enforcement agency in emergency situations that involve death or serious risk of harm.

4           This act would take effect upon passage.

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