

119TH CONGRESS
2D SESSION

H. R. 7752

To amend section 2703 of title 18, United States Code, to require emergency disclosure of location information to law enforcement or public safety answering point.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2026

Mr. SCHMIDT (for himself, Ms. DAVIDS of Kansas, Mr. ESTES, and Mr. MANN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 2703 of title 18, United States Code, to require emergency disclosure of location information to law enforcement or public safety answering point.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kelsey Smith Act”.

5 **SEC. 2. REQUIRED EMERGENCY DISCLOSURE OF LOCATION**
6 **INFORMATION TO LAW ENFORCEMENT OR**
7 **PUBLIC SAFETY ANSWERING POINT.**

8 (a) DEFINITIONS.—Section 2510 of title 18, United
9 States Code, is amended—

1 (1) in paragraph (20), by striking “and” at the
2 end;

3 (2) in paragraph (21), by striking the period at
4 the end and inserting a semicolon; and

5 (3) by adding at the end the following:

6 “(22) the term ‘location information’—

7 “(A) means any data or information con-
8 cerning the current or most recently known lo-
9 cation of a telecommunications device that, in
10 whole or in part, is generated, derived from, or
11 obtained by the operation of the device; and

12 “(B) does not include the contents of any
13 wire or electronic communication;

14 “(23) the term ‘telecommunications device’
15 means any customer premises equipment (as such
16 term is defined in section 3 of the Communications
17 Act of 1934 (47 U.S.C. 153)); and

18 “(24) the term ‘public safety answering point’
19 shall have the meaning given such term in section 7
20 of the Wireless Communications and Public Safety
21 Act of 1999 (47 U.S.C. 615b).”.

22 (b) REQUIRED EMERGENCY DISCLOSURE OF LOCA-
23 TION INFORMATION TO LAW ENFORCEMENT OR PUBLIC
24 SAFETY ANSWERING POINT.—Section 2703 of title 18,

1 United States Code, is amended by adding at the end the
2 following:

3 “(i)(1) LOCATION INFORMATION REQUESTS.—At the
4 request of an investigative or law enforcement officer, or
5 an employee or other agent of a public safety answering
6 point acting on behalf of such an officer, who is acting
7 in the course of the official duties of such officer, a pro-
8 vider of electronic communication service shall provide to
9 such officer the available location information of a tele-
10 communications device without delay if the officer as-
11 serts—

12 “(A)(i) that the telecommunications device was
13 used to contact a public safety answering point re-
14 questing emergency assistance during the preceding
15 48-hour period; or

16 “(ii) that the officer has reasonable suspicion
17 that the telecommunications device is in the posses-
18 sion or presence of an individual who is involved in
19 an emergency situation that involves the risk of
20 death or serious physical harm; and

21 “(B)(i) the subscriber or customer of such elec-
22 tronic telecommunication service has consented to
23 such request or, if such subscriber or customer is
24 not reasonably available, then the next of kin of such
25 subscriber or customer has consented; or

1 “(ii)(I) reasonable efforts have been made
2 to obtain such consent or the consent of next of
3 kin of such subscriber or customer;

4 “(II) such consent was neither ob-
5 tained nor refused; and

6 “(III) such officer reasonably believes
7 delay in providing the available location in-
8 formation may increase the risk of death
9 or serious physical harm.

10 “(2) RECORDS OF DISCLOSED RECORDS.—If an in-
11 vestigative or law enforcement officer, or an employee or
12 other agent of a public safety answering point acting on
13 behalf of such an officer, submits a request for location
14 information to a provider of an electronic communication
15 service under paragraph (1) the investigative or law en-
16 forcement agency employing the officer shall maintain a
17 record of the request that includes each of the following:

18 “(A) The name of the officer or agent making
19 the request (and, in the case of a request made by
20 an agent, the name of the officer on whose behalf
21 the agent is acting).

22 “(B) A declaration that disclosure of location
23 information is needed based on the conditions de-
24 scribed in clause (i) or (ii) of subparagraph (1)(A)

1 and that the requirements of clause (i) or (ii) of sub-
2 paragraph (1)(B) have been satisfied.

3 “(C) A description—

4 “(i) of the request that explains the need
5 for disclosure of location information; and

6 “(ii) of the manner and the name of the
7 person by whom the consent required by clause
8 (i) of subparagraph (1)(B) was given or of the
9 reasonable efforts required by clause (ii) of sub-
10 paragraph (1)(B).

11 “(3) RELATIONSHIP TO STATE LAW.—

12 “(A) IN GENERAL.—Nothing in this subsection
13 shall exempt a telecommunications carrier or a pro-
14 vider of electronic communication service from com-
15 plying with any applicable State law that requires
16 the carrier or provider to provide location informa-
17 tion of a telecommunications device to an investiga-
18 tive or law enforcement officer or an employee or
19 other agent of a public safety answering point acting
20 on behalf of such an officer in response to a request
21 by such officer or agent.

22 “(B) APPLICABILITY.—A circumstance de-
23 scribed in this subparagraph is a circumstance in
24 which the officer or agent—

1 “(i) makes the request while acting in the
2 course of the official duties of the officer or
3 agent; and

4 “(ii) asserts that the request is made for
5 the purpose of responding to—

6 “(I) a call for emergency services; or

7 “(II) an emergency situation that in-
8 volves the risk of death or serious physical
9 harm.

10 “(4) NEXT OF KIN DETERMINATION.—For the pur-
11 poses of this subsection, a next of kin determination shall
12 be made in the following priority order:

13 “(A) Legal spouse.

14 “(B) Child (whether by current or prior mar-
15 riage) age 18 years or older in descending prece-
16 dence by age.

17 “(C) Father or mother, unless by court order
18 custody has been vested in another (adoptive parent
19 takes precedence over natural parent).

20 “(D) Sibling (whole or half) age 18 years or
21 older in descending precedence by age.

22 “(E) Grandfather or grandmother.

23 “(F) Any other relative (precedence to be deter-
24 mined in accordance with the civil law of descent in

- 1 the State in which the investigative or law enforce-
- 2 ment officer is employed).”.

