

113TH CONGRESS
1ST SESSION

S. 721

To amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves risk of death or serious physical harm.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2013

Mr. ROBERTS (for himself and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to require a provider of a commercial mobile service or an IP-enabled voice service to provide call location information concerning the user of such a service to law enforcement agencies in order to respond to a call for emergency services or in an emergency situation that involves risk of death or serious physical harm.

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”.

1 **SEC. 2. REQUIRED DISCLOSURE OF CALL INFORMATION**

2 **LOCATION.**

3 Title II of the Communications Act of 1934 (47
4 U.S.C. 201) is amended by inserting after section 222 the
5 following new section:

6 **“SEC. 222A. REQUIRED DISCLOSURE OF CALL LOCATION IN-**
7 **FORMATION.**

8 “(a) IN GENERAL.—Notwithstanding section 222, at
9 the request of a law enforcement agency, a telecommuni-
10 cations carrier shall provide call location information con-
11 cerning the user of a commercial mobile service (as such
12 term is defined in section 332(d)) or the telecommuni-
13 cations device of the user of an IP-enabled voice service
14 (as such term is defined in section 7 of the Wireless Com-
15 munications and Public Safety Act of 1999 (47 U.S.C.
16 615b)) to a law enforcement official, in order to respond
17 to the user’s call for emergency services or to respond to
18 an emergency situation that involves the risk of death or
19 serious physical harm.

20 “(b) HOLD HARMLESS.—No cause of action shall lie
21 in any court against any provider of a commercial mobile
22 service or an IP-enabled voice service, its officers, employ-
23 ees, or agents for providing call location information under
24 subsection (a) while acting in good faith and in accordance
25 with this section and any regulations promulgated pursu-
26 ant to this section.

1 “(c) DEFINITION.—For the purpose of this section,
2 the term ‘emergency services’ have the meaning given such
3 term in section 222.”.

○