

Enrolled
House Bill 2919

Sponsored by Representatives OLSON, BARKER; Senator JOHNSON

CHAPTER

AN ACT

Relating to emergency access to call location information of cellular device; amending section 2, chapter 29, Oregon Laws 2014.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2, chapter 29, Oregon Laws 2014, is amended to read:

Sec. 2. (1) At the request of a law enforcement agency, a provider of radio communications service for cellular devices shall provide the call location information, or the best available location information, of a cellular device that is:

(a) Used to place a 9-1-1 call requesting emergency assistance from the law enforcement agency;
or

(b) Reasonably believed to be in the possession of an individual that the law enforcement agency reasonably believes is in an emergency situation that involves the risk of death or serious physical harm to the individual.

(2) To facilitate requests for call location information, or the best available location information, from a law enforcement agency under this section:

(a) The Office of Emergency Management shall:

(A) Maintain a database containing emergency contact information for providers of radio communications service for cellular devices that are registered to do business in this state or that submit to the jurisdiction of this state; and

(B) Make the information immediately available upon request to a public safety answering point in this state.

(b) A provider that is registered to do business in this state, or that submits to the jurisdiction of this state, shall submit emergency contact information for the provider to the office.

(3) Emergency contact information submitted by a provider of radio communications service for cellular devices under this section must be submitted by June 15 of each year or immediately after a change in contact information.

(4) Notwithstanding the limitations of ORS 403.135 (3), a cause of action does not arise against a provider of radio communications service for cellular devices or the officers, employees or agents of the provider for providing call location information, or the best available location information, in good faith as required by this section.

[(5) The office shall coordinate with public safety answering points and law enforcement agencies the collection of information regarding the disclosure of call location information, or the best available location information, under this section and make a written report biennially. The office shall provide the report to the Legislative Assembly as provided in ORS 192.245. The report must contain information regarding:]

[(a) The number and circumstances of requests received, by public safety answering point and by law enforcement agency, to disclose the call location information, or the best available location information, for a cellular device reasonably believed to be in the possession of an individual that the law enforcement agency reasonably believes is in an emergency situation that involves the risk of death or serious physical harm to the individual.]

[(b) Analysis of any circumstances in which the receipt of location information described in paragraph (a) of this subsection is not provided at all or not provided in a timely manner.]

[(6)] (5) The office may adopt rules to implement this section.

[(7)] (6) This section shall be known, and may be cited, as the Kelsey Smith Act.

Passed by House April 23, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 26, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State