



33RD ALASKA STATE LEGISLATURE

REPRESENTATIVE CRAIG JOHNSON
HOUSE DISTRICT 10
CHAIR, HOUSE RULES COMMITTEE

CS for HB316 (STA) am, "An Act relating to law enforcement requests for wireless device location information in emergencies; and providing for an effective date."

Sponsor Statement

HB316, known as the Kelsey Smith Act, has already passed in 30 states, and currently is pending in three others, as well as at the federal level. The legislation will help protect victims and could save lives during emergency situations. HB316 requires that telecommunications companies immediately respond to law enforcement agency requests for location information of victims who are in an ongoing emergency that involves risk of death or serious physical harm.

On June 2, 2007, Kelsey Smith was abducted in broad daylight from an Overland Park, Kansas department store, then raped and murdered. The abduction was captured on the store's security camera, leaving little doubt of the emergency nature of the situation. More than three days after she disappeared, authorities were able to locate Kelsey's body after her wireless provider finally released location information from her cell phone.

The tragic abduction, rape and murder of Kelsey Smith is heartbreaking and should never happen again. In life-or-death situations it is paramount that our law enforcement agencies have access to life-saving resources; and the fear of legal liability should never stand in the way of rescuing a victim from a life-threatening situation.

HB316 codifies that a law enforcement agency, not phone company employees, are able to determine if a loved one is in an emergency situation. And HB316 is intentionally very limited in scope: only requiring emergency wireless device location disclosure (if available) for only the current or most recent location of a wireless device, and only at the written request of a law enforcement agency (acting in an official capacity), and only in an ongoing emergency that involves the risk of death or serious physical harm.

The privacy of every Alaskan is important, and HB316 in no way alters the elements required under the emergency aid exception as established by *State v Gibson* (2012). Gibson is the seminal Alaska case analyzing the emergency aid exception to Art. 1, Sec. 14, of the Alaska Constitution; and Gibson remains the controlling authority in Alaska.

HB316 is about helping victims and saving lives. If one life can be saved, or one child returned safely to their loved ones, then this act will have served Alaskans well.

Dated: April 2, 2024

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