

CS FOR HOUSE BILL NO. 316(STA) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Amended: 3/14/24

Offered: 3/6/24

Sponsor(s): REPRESENTATIVES C.JOHNSON, Allard, Carrick

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to law enforcement requests for wireless device location information in**
2 **emergencies; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 SHORT TITLE. This Act may be known as the Kelsey Smith Act.

7 * **Sec. 2.** AS 42.20 is amended by adding a new section to read:

8 **Article 5. Emergency Wireless Device Location Disclosure.**

9 **Sec. 42.20.400. Providing wireless device location in emergency.** (a) At the
10 written request, in either physical or electronic form, of a law enforcement agency, a
11 wireless carrier shall provide the available current or most recent location of a wireless
12 device to the agency without delay if the agency asserts that the agency has a
13 reasonable basis to believe that the device is in the possession of an individual who is
14 in an ongoing emergency that involves the risk of death or serious physical harm.

1 (b) An individual may only request the location of a wireless device on behalf
2 of a law enforcement agency while the individual is acting in an official capacity and
3 responding to the ongoing emergency. An individual who violates this subsection is
4 guilty of a class A misdemeanor.

5 (c) A wireless carrier may establish protocols to voluntarily disclose the
6 location of a wireless device consistent with applicable law.

7 (d) An action may not be brought against a wireless carrier or its officers,
8 agents, or employees for providing the location of a wireless device to a law
9 enforcement agency while acting in good faith in compliance with (a) of this section.

10 (e) A wireless carrier authorized to do business in the state shall annually by
11 June 15 supply the department with emergency contact information for the wireless
12 carrier that can be used to request the location of a wireless device under (a) of this
13 section and shall immediately inform the department of any changes to the contact
14 information.

15 (f) The department shall maintain a database containing the emergency contact
16 information submitted under (e) of this section and shall provide the information
17 without delay at the request of a law enforcement agency or emergency
18 communications center.

19 (g) The department shall adopt regulations to implement this section, including
20 regulations that

21 (1) establish criteria for a law enforcement agency to apply in
22 establishing the minimum qualifications for an individual within the agency
23 authorized to request the location of a wireless device under (a) of this section, taking
24 into consideration diversity between geographic locations and law enforcement
25 agencies;

26 (2) set reasonable limits on the use of the location of a wireless device
27 provided under (a) of this section; and

28 (3) provide for the maintenance of records to preserve relevant facts
29 surrounding a request under (a) of this section.

30 (h) In this section,

31 (1) "department" means the Department of Public Safety;

1 (2) "emergency communications center" has the meaning given in
2 AS 11.56.785(b);

3 (3) "law enforcement agency" means an agency of the state or a
4 political subdivision of the state or of an Alaska Native organization as defined in
5 AS 18.65.688 that performs as one of the agency's principal functions an activity
6 relating to crime prevention, control, or reduction or relating to the enforcement of the
7 criminal law; "law enforcement agency" does not include a court;

8 (4) "wireless carrier" means a provider of

9 (A) a commercial mobile service as defined in 47 U.S.C. 332;

10 or

11 (B) a satellite communication service;

12 (5) "wireless device" means a device that connects to a service
13 provided by a wireless carrier.

14 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).