

## Passing the Kelsey Smith Act will help law enforcement save lives

BY REP. KEVIN YODER (R-KAN.) AND AJIT PAI - 05/25/16 6:00 AM ET

### [SHARETWEET](#)

Days after she graduated from high school, minutes after she got off the phone with her mother, and seconds after she bought an anniversary present for her boyfriend, 18-year-old Kelsey Smith was kidnapped. She was abducted in broad daylight as she got into her car outside a department store in Overland Park, Kan.

Almost four excruciatingly long days later, law enforcement found Kelsey's body. She had been raped and then strangled to death. Her body was left in a wooded area about 20 miles from where she was abducted.

It never should have taken that long to find Kelsey. She had her cellphone with her, so her wireless carrier knew her location. Kelsey's family, local law enforcement and even the FBI asked that company to help them find Kelsey, by giving them the cellphone's geographic coordinates. There was no question that this was an emergency — surveillance video showed a man running up behind Kelsey and forcing her into a car — but days passed before the company agreed to provide the phone's location.

Once they got that information, law enforcement took approximately 45 minutes to locate her body.

As parents, we cannot imagine the pain that Melissa and Greg Smith, Kelsey's parents, have endured. As Melissa has put it, "What does a parent go through when a child is missing? You do not eat because you do not know if your child is eating. You do not sleep because you wonder if they are sleeping. It is pure hell." And of course, no parent should ever have to bury a child.

It would be completely understandable if the Smiths decided to grieve privately over such a terrible crime. But they chose a different path — a public one. They became national advocates for change.

This is where H.R. 4889, the Kelsey Smith Act, comes into play. Right now, federal law doesn't prohibit telecommunications companies from providing location information to the police in actual emergencies. But, as Kelsey's parents discovered, it doesn't require them to do so, either. So companies take different approaches. Sometimes they provide the information, sometimes they don't. Sometimes they respond quickly, sometimes they don't. This inconsistent approach puts lives at risk.

The Kelsey Smith Act is a commonsense solution that would fix this problem. This legislation would require telecommunications companies to give law enforcement information about the location of a subscriber's phone when there is an emergency involving the risk of death or serious physical injury. It would protect the privacy of cellphone users — it doesn't demand the disclosure of sensitive information, like the content of a call — and wouldn't cost taxpayers a dime.

We know that this bill can make a difference. The Kelsey Smith Act is currently the law in 22 states. It is already helping law enforcement save lives. For example, one month after it passed in Tennessee, police obtained location information in time to rescue a child who had been kidnapped by a suspected child rapist. And back in Kansas, not far from where Kelsey grew up, we heard from police officials who

invoked the law to quickly track down and save a 5-month-old baby who was strapped into the back seat of a vehicle that had been carjacked. Luckily, the mother's cellphone was in the stolen car; police used that phone's location information to find the vehicle and the baby, who miraculously was sleeping peacefully in the back seat.

To ensure that these successes become the norm, we believe more can and should be done. We are closer than ever today to ensuring that the Kelsey Smith Act becomes the law in every part of the country. The U.S. House of Representatives Committee on Energy and Commerce approved the bill without opposition. A total of 229 representatives — a majority of the full House — have supported it as well. And Kansas Sens. [Pat Roberts](#) and [Jerry Moran](#) have introduced a companion bill in the U.S. Senate.

We hope that the Kelsey Smith Act will soon be the law of the land. The bottom line is this: The act can save law enforcement the precious minutes that could mean the difference between life and death. Let's give the police and families a better chance of finding loved ones whose lives are in the balance.

---

*Yoder is a member of the House Committee on Appropriations from Kansas, and introduced the Kelsey Smith Act on March 23, 2016. Pai is a member of the Federal Communications Commission and is from Kansas.*