



1 **ARTICLE 3. COMMUNICATION SYSTEMS FOR POLICE PURPOSES.**

2 **§15-3-10. Disclosure of location information; emergency**  
3 **situations.**

4 (a) Upon request of a law-enforcement agency, a wireless  
5 telecommunications carrier internet account provider shall provide  
6 location information concerning the telecommunications device of  
7 the user to the requesting law-enforcement agency in order to  
8 respond to a call for emergency services or in an emergency  
9 situation that involves the risk of death or serious physical harm.

10 (b) Notwithstanding any other provision of law to the  
11 contrary, nothing in this section prohibits a wireless  
12 telecommunications carrier internet account provider from  
13 establishing protocols to respond to a law enforcement agency  
14 request for location information in an emergency situation or a  
15 call for emergency services.

16 (c) No cause of action shall lie in any court against any  
17 wireless telecommunications carrier internet account provider, its  
18 officers, employees, agents or other specified persons for  
19 providing location information while acting in good faith and in  
20 accordance with the provisions of this section.

21 (d) (1) All wireless telecommunications carriers internet  
22 account provider registered to do business in the State of West  
23 Virginia or submitting to the jurisdiction thereof and all  
24 resellers of wireless telecommunications services shall submit  
25 their emergency contact information to the West Virginia State

1 Police in order to facilitate requests from a law-enforcement  
2 agency for location information in accordance with this section.  
3 This contact information must be submitted annually by June 15th or  
4 immediately upon any change in contact information.

5 (2) The State Police shall maintain a database containing  
6 emergency contact information for all wireless telecommunications  
7 carriers internet account provider registered to do business in the  
8 State of West Virginia and shall make the information immediately  
9 available upon request to all public safety answer points in the  
10 state.

11 (e) The Superintendent of the West Virginia State Police shall  
12 prescribe and promulgate reasonable rules to fulfill the  
13 requirements of this section no later than July 1, 2014.

14 (f) This section shall be known and may be cited as the  
15 "Kelsey Smith Act."

NOTE: The purpose of this section is to require wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner to law enforcement in emergency situations, rather than requiring a judge's order. The bill limits a company's liability. The bill also grants rule-making authority.

This section is new; therefore, it has been completely underscored.