

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

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

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

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

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

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

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

15 (f) This section shall be known and may be cited as the
16 "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.