

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT
LB735

Hearing Date: Monday February 01, 2010
Committee On: Transportation and Telecommunications
Introducer: Gay
One Liner: Adopt the Kelsey Smith Act to require wireless carriers to provide call location information in certain emergency situations

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Campbell, Fischer, Gay, Hadley, Janssen, Lautenbaugh, Louden, Stuthman
Nay:
Absent:
Present Not Voting:

Proponents:	Representing:
Senator Tim Gay	Introducer
Melissa Smith	self
Bryan Tuma	Nebraska State Patrol
Jerry Stilmock	Nebraska State Volunteer Firefighters Association
Beth Canuteson	AT&T
Curt Bromm	Verizon

Opponents:	Representing:
John Lindsay	National Association of Trial Attorneys

Neutral:	Representing:
-----------------	----------------------

Summary of purpose and/or changes:

LB 735 authorizes wireless carriers to provide call location information to law enforcement agencies, and holds them harmless from any liability.

Section 2 provides definitions of call location information, law enforcement agency, wireless carrier, and wireless communication device for purposes of the Act.

Upon the request of law enforcement, a wireless carrier is required to provide call location information for a person's cell phone who is connected with an emergency situation that involves the risk or threat of death or serious physical harm.

The bill also provides liability protection for the wireless carrier when acting in good faith and in accordance with the Act. The wireless carrier shall be held harmless from any claim, damages, expenses (including attorney's fees) arising from the release of the information.

The bill requires all wireless carriers doing business in this state to provide periodically updated contact information to the Nebraska State Patrol. The Patrol shall maintain a database of the information that will be available to all law

enforcement agencies in the state.

The bill also provides a wireless carrier the ability to establish a procedure for voluntarily disclosing call location information.

Explanation of amendments:

The committee amendment, AM1747, make two separate changes to the bill. The amendment narrows the definition of law enforcement agency to mean a police department, town marshal, sheriff, and State Patrol.

The amendment also narrows the release of liability against the wireless carrier to providing call location information to law enforcement in accordance with the Act. In addition, wireless carriers would be held harmless from any claim related to the release of call location information while acting at the request of law enforcement.

Deb Fischer, Chairperson