

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 735

FINAL READING

Introduced by Gay, 14; Fischer, 43.

Read first time January 06, 2010

Committee: Transportation and Telecommunications

A BILL

- 1 FOR AN ACT relating to telecommunications; to adopt the Kelsey
- 2 Smith Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 7 of this act shall be known and
2 may be cited as the Kelsey Smith Act.

3 Sec. 2. For purposes of the Kelsey Smith Act:

4 (1) Call location information means the best available
5 location information, including, but not limited to, information
6 obtained using historical cellular site information or a mobile
7 locator tool;

8 (2) Law enforcement agency means a police department, a
9 town marshal, the office of sheriff, and the Nebraska State Patrol;

10 (3) Wireless carrier has the same meaning as in section
11 86-456; and

12 (4) Wireless communication device means any wireless
13 electronic communication device that provides for voice or data
14 communication between two or more parties, including a mobile or
15 cellular telephone.

16 Sec. 3. Upon request of any law enforcement agency, a
17 wireless carrier shall provide call location information concerning
18 the wireless communication device of a user as soon as practicable
19 following receipt of the request to facilitate the response to
20 a call for emergency services or in an emergency situation that
21 involves the risk or threat of death or serious physical harm.

22 Sec. 4. No cause of action shall lie in any court against
23 any wireless carrier or its officers, employees, agents, or assigns
24 for providing call location information while acting at the request
25 of a law enforcement agency in accordance with the provisions

1 of the Kelsey Smith Act. All wireless carriers shall be held
2 harmless from any and all claims, damages, costs, and expenses,
3 including attorney's fees, arising from or related to the release
4 of call location information while acting at the request of a law
5 enforcement agency.

6 Sec. 5. (1) Any wireless carrier authorized to do
7 business in this state or submitting to the jurisdiction of this
8 state shall provide updated contact information to the Nebraska
9 State Patrol on a semiannual basis or within three working days
10 after a change in such information that would render previous
11 contact information invalid or inefficient for use under the Kelsey
12 Smith Act.

13 (2) The Nebraska State Patrol shall collect and maintain
14 a register of contact information for all such wireless carriers.

15 Sec. 6. The Nebraska State Patrol shall provide the
16 information collected pursuant to section 5 of this act to all law
17 enforcement agencies in this state on a quarterly basis or as soon
18 as practicable if a change in such information has occurred.

19 Sec. 7. Notwithstanding any other provision of law to the
20 contrary, nothing in the Kelsey Smith Act shall prohibit a wireless
21 carrier from establishing protocols by which the wireless carrier
22 could voluntarily disclose call location information.