SENATE BILL NO. 268–SENATORS FORD, JONES, KIHUEN, SPEARMAN; ATKINSON, MANENDO AND WOODHOUSE

MARCH 15, 2013

JOINT SPONSORS: ASSEMBLYMEN FRIERSON; HEALEY AND SPIEGEL

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Requires a provider of wireless telecommunications to provide call location information to a law enforcement agency in emergency situations. (BDR 58-623)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to telecommunications; requiring a provider of wireless telecommunications to provide call location information concerning the telecommunications device of a user to a law enforcement agency in certain circumstances; requiring a provider of wireless telecommunications to submit its emergency contact information to the Department of Public Safety; requiring the Department to maintain a database of such emergency contact information; authorizing the Department to adopt regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law authorizes, but does not require, telecommunications carriers to provide call location information concerning the user of a commercial mobile service in certain emergency situations. (47 U.S.C. § 222(d)(4)) **Section 5** of this bill requires a provider of wireless telecommunications to provide, upon the request of a law enforcement agency, the most accurate call location information available concerning the telecommunications device of a user to assist the law enforcement agency in emergency situations. **Section 6** of this bill requires a provider of wireless telecommunications to submit its emergency contact information to the

Department of Public Safety to facilitate such requests from law enforcement agencies. **Section 6** also requires the Department to maintain a database of such emergency contact information and to make the information available to a law enforcement agency immediately upon request. **Section 7** of this bill authorizes the Department to adopt any necessary regulations to carry out the provisions of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 707 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Department" means the Department of Public Safety.***

Sec. 4. ***"Provider of wireless telecommunications" means a person that is licensed by the Federal Communications Commission to provide wireless telecommunications services over a designated radio frequency and is authorized to do business in or submits to the jurisdiction of this State. The term includes a reseller of wireless telecommunications services.***

Sec. 5. ***1. Upon the request of a law enforcement agency, a provider of wireless telecommunications shall provide call location information concerning the telecommunications device of a user to assist the law enforcement agency in responding to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm. The provider of wireless telecommunications shall provide the most accurate call location information available, given any technical or other limitations that may affect the accuracy of the call location information in the relevant area.***

2. Notwithstanding any other provision of law, nothing in this section prohibits a provider of wireless telecommunications from establishing any protocols which enable the provider to disclose call location information voluntarily in an emergency situation that involves the risk of death or serious physical harm.

3. No cause of action may be brought against any provider of wireless telecommunications, its officers, employees or agents for providing call location information while acting in good faith and in accordance with the provisions of sections 2 to 7, inclusive, of this act.

Sec. 6. ***1. Any provider of wireless telecommunications shall submit its emergency contact information to the Department to facilitate requests from law enforcement agencies for call location information in accordance with section 5 of this act. Such emergency contact information must be submitted:***

(a) Annually; and

(b) As soon as practicable following any change in emergency contact information.

2. The Department shall maintain a database which contains all emergency contact information received pursuant to subsection 1 and shall make such information available to a law enforcement agency immediately upon request.

Sec. 7. ***The Department may adopt such regulations as are necessary to carry out the provisions of sections 2 to 7, inclusive, of this act.***

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations; and

2. On October 1, 2013, for all other purposes.

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