

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 315

Short Title: Kelsey Smith Act.

(Public)

Sponsors: Representatives Hurley, Faircloth, McNeill, and Williams (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary I

March 13, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR WARRANTLESS ACCESS BY LAW ENFORCEMENT TO  
3 TELECOMMUNICATIONS DEVICE LOCATION INFORMATION UNDER CERTAIN  
4 CIRCUMSTANCES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. This act shall be known as the Kelsey Smith Act.

7 SECTION 2. Chapter 15A of the General Statutes is amended by adding a new  
8 Article to read:

9 "Article 16C.

10 "Provision of Wireless Call Location Data to Law Enforcement.

11 "§ 15A-300.10. Provision of call location data by wireless service provider to law  
12 enforcement.

13 (a) The following definitions apply in this section:

14 (1) Call location data. – Global positioning system, triangulation, and per-call  
15 measurement data indicating the location of a telecommunications device. Call  
16 location data does not include the contents of any communication made using a  
17 telecommunications device.

18 (2) Imminent. – With respect to a risk of death or serious physical harm, means that  
19 the length of time necessary to comply with otherwise applicable provisions of  
20 law pertaining to obtaining authorization for electronic surveillance would, in  
21 the professional judgment of the law enforcement agency based upon generally  
22 accepted surveillance and investigation protocols, significantly reduce the  
23 chance of preventing death or serious physical harm.

24 (3) Public safety answering point. – Defined in G.S. 143B-1400.

25 (4) Wireless service provider. – A commercial mobile radio service provider, as  
26 defined in G.S. 143B-1400, including providers of subscription-based,  
27 in-vehicle security service.

28 (b) Upon request of a law enforcement agency or a public safety answering point on behalf  
29 of a law enforcement agency, a wireless service provider shall provide call location data  
30 concerning the telecommunications device of a user to the requesting law enforcement agency or  
31 public safety answering point. A law enforcement agency or public safety answering point may  
32 request data under this section only in an emergency situation that involves an imminent risk of  
33 death or serious physical harm.

34 (c) A wireless service provider may establish procedures for voluntary disclosure of call  
35 location data.



1        (d) A civil action may not be brought in any court against any wireless service provider or  
2 any other person for providing call location data if the provider acted in good faith reliance upon  
3 the representations of the law enforcement agency or public safety answering point and as required  
4 by this section.

5        (e) All wireless service providers registered to do business in the State shall submit  
6 emergency contact information to the State Bureau of Investigation in order to facilitate requests  
7 from law enforcement agencies for call location data. This information must be submitted annually  
8 by June 15 or immediately upon any change in emergency contact information.

9        (f) The State Bureau of Investigation shall maintain a database containing emergency  
10 contact information for all wireless service providers registered to do business in the State and  
11 shall make the information readily available upon request to all public safety answering points  
12 located in the State."

13                **SECTION 3.** This act becomes effective July 1, 2017.