

**SUBSTITUTE FOR
HOUSE BILL NO. 4006**

A bill to require wireless carriers to provide device locations for emergencies upon the request of law enforcement; to prescribe the powers and duties of certain state agencies; and to provide for immunity from prosecution and from civil liability under certain circumstances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Law enforcement agency" means the department of state
3 police, a police agency of a city, village, or township, a
4 sheriff's department, a public safety department of a state
5 university described in section 4, 5, or 6 of article VIII of the
6 state constitution of 1963, or any other governmental law

1 enforcement agency in this state.

2 (b) "Law enforcement officer" means a police officer of a
3 county, city, village, or township or this state, a state
4 university public safety officer of a state university described in
5 section 4, 5, or 6 of article VIII of the state constitution of
6 1963, a prosecuting attorney, an assistant prosecuting attorney, or
7 an investigator for the office of prosecuting attorney, or any
8 other person whose duty is to enforce the laws of this state or of
9 the United States.

10 (c) "Public safety agency" means a functional division of a
11 public agency, county, or this state that provides firefighting,
12 law enforcement, ambulance, medical, or other emergency services.

13 (d) "Public safety answering point" means a communications
14 facility operated or answered on a 24-hour basis and assigned
15 responsibility by a public safety agency or county to receive 9-1-1
16 calls and to dispatch public safety response.

17 (e) "Wireless carrier" means a provider of commercial mobile
18 services, as that term is defined in 47 USC 332, including all
19 broadband personal communications services, wireless radio
20 services, and incumbent wide area specialized mobile radio
21 licensees that offer real-time, 2-way voice or data service
22 interconnected with the public switched telephone network, and that
23 is doing business in this state.

24 Sec. 3. (1) Upon receipt of a request from a law enforcement
25 officer stating that the disclosure of device location information
26 is needed in an emergency situation that involves the imminent risk
27 of death or serious physical harm to the user of a wireless

1 telecommunications device, a wireless carrier shall provide the
2 requested device location information concerning the device to the
3 requesting law enforcement officer. A request for device location
4 information under this section shall be written and signed by the
5 requesting law enforcement officer's supervisor.

6 (2) This section does not prohibit a wireless carrier from
7 establishing protocols for the disclosure of device location
8 information.

9 (3) The department of state police shall obtain contact
10 information for all wireless carriers authorized to do business in
11 this state or submitting to the jurisdiction of this state in order
12 to facilitate a request from an investigative or law enforcement
13 officer for device location information under this section. The
14 department of state police shall disseminate this information on a
15 quarterly basis, or immediately as changes occur, to all public
16 safety answering points and law enforcement agencies.

17 (4) Unless pursuant to a valid court order, a law enforcement
18 officer shall not request, access, use, or disclose device location
19 information from a wireless carrier more than 48 hours after the
20 time of the initial request for that information under subsection
21 (1).

22 Sec. 5. No cause of action, either civil or criminal, lies in
23 any court against a wireless carrier or its officers, employees,
24 agents, or other specified persons for complying with a request
25 from a law enforcement officer under this act.

26 Sec. 6. A law enforcement officer who requests, accesses,
27 uses, or discloses device location information obtained under this

1 act for personal use or gain is guilty of a misdemeanor punishable
2 by imprisonment for not more than 93 days or a fine of not more
3 than \$500.00, or both.

4 Enacting section 1. This act takes effect 90 days after it is
5 enacted into law.