

Legislative Analysis



CALL LOCATION INFORMATION: REQUIRE WIRELESS PROVIDERS TO PROVIDE UPON REQUEST

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House Bill 5110

Sponsor: Rep. Kurt Heise

Committee: Criminal Justice

Complete to 1-28-14

A SUMMARY OF HOUSE BILL 5110 AS INTRODUCED 10-29-13

The bill would (1) require a wireless carrier to provide call location information to a law enforcement officer upon request in certain emergency conditions, (2) provide civil and criminal immunity to a wireless carrier that responds to the request for call location information, and (3) define terms.

House Bill 5110 would create a new act to require a wireless carrier to provide the call location information concerning a wireless telecommunication device (i.e., a cell phone) to a police officer upon request if needed in an emergency situation involving the risk of death or serious physical harm to the user of the device. A wireless carrier could establish protocols for the disclosure of call location information in response to requests from law enforcement. (This could be done without first obtaining a search warrant.)

The Department of State Police (MSP) would have to obtain contact information for all wireless carriers authorized to do business in Michigan in order to facilitate a request from an investigative or law enforcement officer for call location information. The MSP would have to disseminate the information on a quarterly basis, or immediately as changes occur, to all public safety answering points and law enforcement agencies.

A cause of action, whether civil or criminal, could not lie in any court against a wireless carrier or its officers, employees, agents, or other specified persons for providing call location information under the bill.

"Public safety answering point" would mean a communications facility operated or answered on a 24-hour basis and assigned responsibility by a public agency or county to receive 9-1-1 calls and to dispatch public safety response.

"Wireless carrier" would mean a provider of commercial mobile services, as that term is defined under federal law, and includes all broadband personal communications services, wireless radio services, and incumbent wide area specialized mobile radio licensees that offer real-time, 2-way voice or data service interconnected with the public switched telephone network, and that does business in Michigan.

"Law enforcement officer," "law enforcement agency," and "public safety agency" are also defined in the bill.

FISCAL IMPACT:

The bill would appear to have no significant fiscal impact on state or local government. Generally, wireless carriers already have policies and procedures in place on how to respond to exigent requests from public safety answering points and other law enforcement agencies, providing law enforcement agencies with initial and follow-up contact points (phone/fax/email) that should be used when requesting information pertaining to an emergency.¹ The requirement that the Department of State Police (MSP) provide contact information for wireless carriers can be provided with little additional work and with no budgetary impact on MSP.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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http://www.michigan.gov/documents/msp/Wireless_Carrier_Policies_for_Exigent_Situations_NENA_FINAL_325433_7.pdf