

HOUSE BILL No. 5110

October 29, 2013, Introduced by Reps. Heise and LaVoy and referred to the Committee on Criminal Justice.

A bill to require wireless carriers to provide call locations for emergencies upon the request of law enforcement; 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
7 enforcement agency in this state.

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

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

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

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

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

1 location information concerning the device to the requesting law
2 enforcement officer.

3 (2) This section does not prohibit a wireless carrier from
4 establishing protocols for the disclosure of call location
5 information.

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

14 Sec. 5. No cause of action, either civil or criminal, lies in
15 any court against a wireless carrier or its officers, employees,
16 agents, or other specified persons for providing call location
17 information in accordance with this act.