

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

House Committee on Veterans' Services and Emergency Preparedness

**REVENUE:** May have revenue impact, statement not yet issued**FISCAL:** May have fiscal impact, statement not yet issued**SUBSEQUENT REFERRAL TO:** None**Action:****Vote:****Yeas:****Nays:****Exc.:** Cheyenne Ross, Administrator**Meeting Dates:** 2/4, 2/11

**WHAT THE MEASURE DOES:** Creates Kelsey Smith Act requiring cellular service to provide cellular device location information for purpose of emergency response to situation involving risk of death or serious physical harm at request of law enforcement. Requires cellular service registered in Oregon or subject to Oregon jurisdiction, provide emergency contact information by June 15<sup>th</sup> each year or when information changes. Requires Office of Emergency Management maintain database of cellular service emergency contact information for disclosure to public safety answering points as specified. Prohibits cause of action against cellular service complying in good faith.

**ISSUES DISCUSSED:**

- Difficulties with the word “reseller” and some definitions
- Passage of time that may be critical for victims

**EFFECT OF COMMITTEE AMENDMENT:**

*[-1 amendment]* Removes and often replaces “reseller of cellular service” with “provider of radio communications service for cellular providers.” Refines Requires Office of Emergency Management coordinate data collection with PSAPs and law enforcement and report to legislature biennially. Provides immunity from civil action for good faith disclosure to first responders in compliance with the measure.

**BACKGROUND:** Kelsey Smith, of Overland Park, Kansas, was forcibly abducted from a store parking lot, raped, and strangled to death with her own belt the evening of June 2, 2007. She was 18, and had recently graduated from high school. One or two calls were made to her mobile phone the evening of her murder. Her cellular service disclosed the corresponding records and identified the nearest cellular tower, thanks to law enforcement efforts, but it was some days later: her body was discovered in under an hour, about 20 miles from where she was abducted.

House Bill 4022 requires cellular device location information be provided only when law enforcement is responding to emergencies that involve risk of serious injury or death, but the terms of the measure also reiterate that cellular services are not prohibited from adopting protocols for voluntary disclosure.