

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	6 - 0 - 1
Yeas:	Boone, Esquivel, Huffman, Parrish, Witt, Matthews
Nays:	0
Exc.:	Fagan
Prepared By:	Cheyenne Ross, Administrator
Meeting Dates:	2/4, 2/11, 2/13

WHAT THE MEASURE DOES: Creates Kelsey Smith Act requiring providers of radio communications service for cellular providers (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 15th each year or when information changes. Requires Office of Emergency Management (OEM) maintain database of cellular service emergency contact information for disclosure to public safety answering points (PSAPs) as specified. Requires OEM coordinate data collection with PSAPs and law enforcement and report to legislature biennially. 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: Replaces “reseller of cellular service” with “provider of radio communications service for cellular providers.” Clarifies that OEM is to coordinate data collection with PSAPs and law enforcement and report to legislature biennially.

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 4022A 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 to obtain permission from end-users to disclose information voluntarily.