

Enrolled
House Bill 4022

Sponsored by Representatives MATTHEWS, GORSEK; Representatives KRIEGER, OLSON, Senator JOHNSON (Presession filed.)

CHAPTER

AN ACT

Relating to emergency access to call location information of cellular device; creating new provisions; and amending ORS 403.135.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2014 Act is added to and made a part of ORS 403.105 to 403.250.

SECTION 2. (1) At the request of a law enforcement agency, a provider of radio communications service for cellular devices shall provide the call location information, or the best available location information, of a cellular device that is:

(a) Used to place a 9-1-1 call requesting emergency assistance from the law enforcement agency; or

(b) Reasonably believed to be in the possession of an individual that the law enforcement agency reasonably believes is in an emergency situation that involves the risk of death or serious physical harm to the individual.

(2) To facilitate requests for call location information, or the best available location information, from a law enforcement agency under this section:

(a) The Office of Emergency Management shall:

(A) Maintain a database containing emergency contact information for providers of radio communications service for cellular devices that are registered to do business in this state or that submit to the jurisdiction of this state; and

(B) Make the information immediately available upon request to a public safety answering point in this state.

(b) A provider that is registered to do business in this state, or that submits to the jurisdiction of this state, shall submit emergency contact information for the provider to the office.

(3) Emergency contact information submitted by a provider of radio communications service for cellular devices under this section must be submitted by June 15 of each year or immediately after a change in contact information.

(4) Notwithstanding the limitations of ORS 403.135 (3), a cause of action does not arise against a provider of radio communications service for cellular devices or the officers, employees or agents of the provider for providing call location information, or the best available location information, in good faith as required by this section.

(5) The office shall coordinate with public safety answering points and law enforcement agencies the collection of information regarding the disclosure of call location information,

or the best available location information, under this section and make a written report biennially. The office shall provide the report to the Legislative Assembly as provided in ORS 192.245. The report must contain information regarding:

(a) The number and circumstances of requests received, by public safety answering point and by law enforcement agency, to disclose the call location information, or the best available location information, for a cellular device reasonably believed to be in the possession of an individual that the law enforcement agency reasonably believes is in an emergency situation that involves the risk of death or serious physical harm to the individual.

(b) Analysis of any circumstances in which the receipt of location information described in paragraph (a) of this subsection is not provided at all or not provided in a timely manner.

(6) The office may adopt rules to implement this section.

(7) This section shall be known, and may be cited, as the Kelsey Smith Act.

SECTION 3. ORS 403.135 is amended to read:

403.135. (1) Each telecommunications utility that provides exchange access service or radio communications service and that provides automatic number identification to public safety answering points may not block the number of the calling party from being forwarded on 9-1-1 calls.

(2) Automatic number identifications received by public safety answering points are confidential and are not subject to public disclosure unless and until an official report is written by the public or private safety agency and that agency does not withhold the telephone number under ORS 192.410 to 192.505 or other state and federal laws. The official report of a public safety answering point may not include nonpublished or nonlisted telephone numbers. The official report of a public or private safety agency may not include nonpublished or nonlisted telephone numbers. Nonpublished or nonlisted telephone numbers are not otherwise subject to public disclosure without the permission of the subscriber.

(3) A provider is not subject to an action for civil damages for providing in good faith confidential or nonpublic information, including nonpublished and nonlisted subscriber information, to emergency services providers who are:

(a) Responding to emergency calls placed to a 9-1-1 emergency reporting system;

(b) Responding to emergency situations that involve the risk of death or serious physical harm to an individual, as provided in section 2 of this 2014 Act; or

(c) Notifying the public of an emergency. [*This*]

(4) Subsection (3) of this section does not compel a provider to provide nonpublished and nonlisted subscriber information directly to emergency services providers or law enforcement agencies prior to placement of an emergency call to a 9-1-1 emergency reporting system without process of law.

(5) Subscriber information acquired by a 9-1-1 jurisdiction for the purpose of enhancing a 9-1-1 emergency reporting system is not subject to public disclosure and may not be used by other public agencies except:

(a) To respond to a 9-1-1 call;

(b) To respond to an emergency situation that involves the risk of death or serious physical harm to an individual, as provided in section 2 of this 2014 Act; or

[(b)] (c) To notify the public of an emergency by utilizing an automated telephone notification system if a provider has provided subscriber information to the 9-1-1 jurisdiction or emergency services provider.

Passed by House February 14, 2014

Repassed by House February 25, 2014

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate February 24, 2014

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M.,....., 2014

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2014

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Kate Brown, Secretary of State