

House Bill 127

By: Representatives Williams of the 145th, McDonald of the 26th, Powell of the 32nd,
Lumsden of the 12th, and Hitchens of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding telephone service, so as to provide that a wireless
3 service supplier shall make location information of its subscribers available to law
4 enforcement agencies upon request; to provide for definitions; to provide for limitations; to
5 provide for immunity from suit for such wireless service suppliers under certain
6 circumstances; to provide for the collection and distribution of contact information; to
7 provide a short title; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Kelsey Smith Act."

12 **SECTION 2.**

13 Article 1 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to
14 general provisions regarding telephone service, is amended by adding a new Code section
15 to read as follows:

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16 "46-5-9.

17 (a) As used in this Code section, the term:

18 (1) 'Public safety answering point' shall have the same meaning as provided in Code
19 Section 46-5-122.

20 (2) 'Wireless service' shall have the same meaning as provided in Code Section 46-5-122.

21 (3) 'Wireless service supplier' shall have the same meaning as provided in Code
22 Section 46-5-122.

23 (b) Upon request of a law enforcement agency or a public safety answering point on behalf
24 of a law enforcement agency, a wireless service supplier shall provide location information
25 concerning the wireless service device of a user to the requesting law enforcement agency
26 or public safety answering point. A law enforcement agency or public safety answering
27 point shall not request information under this Code section except in the event of an
28 emergency situation that involves the risk of death or serious physical harm.

29 (c) A wireless service supplier may establish protocols by which such wireless service
30 supplier voluntarily discloses location information.

31 (d) A claim for relief shall not be brought in any court against any wireless service supplier
32 or any other person for providing location information if acting in good faith and pursuant
33 to this Code section.

34 (e) The Georgia Bureau of Investigation shall obtain contact information from all wireless
35 service suppliers authorized to conduct business in this state to facilitate a request from a
36 law enforcement agency or a public safety answering point on behalf of a law enforcement
37 agency for location information pursuant to this Code section. The Georgia Bureau of
38 Investigation shall, upon request, disseminate such contact information to each law
39 enforcement agency and public safety answering point in this state."

40 **SECTION 3.**

41 All laws and parts of laws in conflict with this Act are repealed.