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State of Minnesota

Printed Page No. 564

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 2639

February 4, 2010

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The bill was read for the first time and referred to the Committee on Commerce and Labor

March 4, 2010

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Public Safety Policy and Oversight

March 11, 2010

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Civil Justice

March 22, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and Read Second Time

March 24, 2010

Calendar For The Day, Amended

Read Third Time as Amended

Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to public safety; authorizing wireless telecommunications service
1.3 providers to provide call locations for emergencies; proposing coding for new
1.4 law in Minnesota Statutes, chapter 237.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [237.82] DEFINITIONS.

1.7 (a) "Call location information" means information indicating the geographical
1.8 location of a telecommunications device.

1.9 (b) "Law enforcement agency" has the meaning given in section 626.84, subdivision
1.10 1, paragraph (f).

1.11 (c) "Wireless telecommunications service provider" has the meaning given in
1.12 section 403.02, subdivision 21.

1.13 Sec. 2. [237.83] AUTHORIZATION FOR CALL LOCATION INFORMATION
1.14 DISCLOSURE.

1.15 (a) Upon written request of a law enforcement agency, a wireless telecommunications
1.16 service provider shall provide call location information for the telecommunications device
1.17 of the user identified in the request to the law enforcement agency to assist the law
1.18 enforcement agency to respond to an emergency situation that involves the risk of death
1.19 or serious physical harm to the user. If, prior to the time the call location information is
1.20 provided to a law enforcement agency, the wireless telecommunications service provider
1.21 receives a written notice from the law enforcement agency rescinding its request because
1.22 it has determined that the user is not in an emergency situation that involves the risk

2.1 of death or serious physical harm to the user, the call location information must not be
2.2 provided to that agency.

2.3 (b) A wireless telecommunications service provider shall establish protocols
2.4 consistent with this section that govern its response to a request of a law enforcement
2.5 agency under paragraph (a).

2.6 (c) If a law enforcement agency discovers that the user identified in a call location
2.7 information request is not in an emergency situation that involves the risk of death
2.8 or serious physical harm to the user, the agency must, as soon as practicable, notify
2.9 the wireless telecommunications service provider in writing that the law enforcement
2.10 agency's request is rescinded. If the law enforcement agency has already received the call
2.11 location information as a result of its request, the law enforcement agency must treat the
2.12 information as private data on individuals, as defined in section 13.02, subdivision 12.

2.13 (d) No cause of action shall lie in any court against any wireless telecommunications
2.14 service provider, its officers, employees, agents, or other specified persons for providing
2.15 call location information while acting in good faith and according to this section. All
2.16 wireless telecommunications service providers shall be held harmless from any and all
2.17 claims, damages, costs, and expenses, including attorneys fees, arising from or related to
2.18 the release of call location information, provided the wireless telecommunications service
2.19 provider has acted according to this section.

2.20 (e) The bureau of criminal apprehension shall:

2.21 (1) obtain contact information for all wireless telecommunications service providers
2.22 authorized to do business in Minnesota or submitting to the jurisdiction of Minnesota in
2.23 order to facilitate a request from a law enforcement agency for call location information
2.24 according to this section; and

2.25 (2) disseminate the information obtained pursuant to clause (1) on a quarterly basis
2.26 or immediately as changes occur to all public safety answering points in the state.

2.27 **Sec. 3. EFFECTIVE DATE.**

2.28 Sections 1 and 2 are effective August 1, 2010.