

CONFERENCE COMMITTEE REPORT ON H. F. No. 2639

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

May 6, 2010

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

We, the undersigned conferees for H. F. No. 2639 report that we have agreed upon  
the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 2639 be further  
amended as follows:

Delete everything after the enacting clause and insert:

**"Section 1. [237.82] DEFINITIONS; CALL LOCATION INFORMATION.**

**Subdivision 1. Scope.** The definitions in this section apply to section 237.83.

**Subd. 2. Call location information.** "Call location information" means information  
indicating the geographical location of a telecommunications device.

**Subd. 3. Law enforcement agency.** "Law enforcement agency" means:

(1) a unit of state or local government that is authorized by law to grant full powers  
of arrest and to charge a person with the duties of preventing and detecting crime and  
enforcing the general criminal laws of the state; and

(2) subject to the limitations in section 626.93, a law enforcement agency of a  
federally recognized tribe, as defined in United States Code, title 25, section 450b(e).

**Subd. 4. Wireless telecommunications service provider.** "Wireless  
telecommunications service provider" means a provider of commercial mobile radio  
services, as that term is defined in United States Code, title 47, section 332, subsection  
(d), including all broadband personal communications services, wireless radio telephone

services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees, that offers real-time, two-way voice service interconnected with the public switched telephone network and that is doing business in this state.

Sec. 2. **[237.83] DISCLOSURE OF CALL LOCATION INFORMATION; EMERGENCY SITUATIONS.**

Subdivision 1. **Written request.** Upon receipt of a written request from a law enforcement agency stating that the disclosure of call location information is needed in an emergency situation that involves the risk of death or serious physical harm to a person who possesses a telecommunications device, a wireless telecommunications service provider shall provide the requested call location information concerning that device to the requesting agency.

Subd. 2. **Protocols.** A wireless telecommunications service provider shall establish protocols consistent with this section that govern its response to a request from a law enforcement agency under subdivision 1.

Subd. 3. **Cause of action limitation.** No cause of action shall lie in any court against a wireless telecommunications service provider, its officers, employees, agents, or other specified persons for providing call location information while acting in good faith and according to this section.

Subd. 4. **Provider contact information.** The Bureau of Criminal Apprehension shall obtain contact information for all wireless telecommunications service providers authorized to do business in Minnesota or submitting to the jurisdiction of this state in order to facilitate a request from a law enforcement agency for call location information under this section. The bureau shall disseminate this information on a quarterly basis, or immediately as changes occur, to all public safety answer points in the state.

Sec. 3. **KELSEY SMITH ACT.**

This act shall be known as the Kelsey Smith Act."

Delete the title and insert:

"A bill for an act  
relating to public safety; requiring wireless telecommunications service providers to provide call locations for emergencies; providing for the Kelsey Smith Act; proposing coding for new law in Minnesota Statutes, chapter 237."

3.1 We request the adoption of this report and repassage of the bill.

3.2 House Conferees:

3.3	.....	.....
3.4	Sheldon Johnson	Paul Gardner

3.5	.....
3.6	Joe Hoppe

3.7 Senate Conferees:

3.8	.....	.....
3.9	Yvonne Prettner Solon	Kathy Sheran

3.10	.....
3.11	Ray Vandever