

SENATE BILL NO. 219

INTRODUCED BY D. HOWARD

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE RELEASE OF CALL LOCATION INFORMATION TO A LAW ENFORCEMENT AGENCY OR AGENT OF A PUBLIC SAFETY ANSWERING POINT IN AN EMERGENCY; AND AMENDING SECTION 27-1-735, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Providing call location information in emergency. (1) At the request of a law enforcement agency officer or employee or other agent of a public safety answering point on behalf of a law enforcement agency who is acting in the course of the official duties of the officer or agent, a commercial mobile service as defined in 47 U.S.C. 332 shall provide, subject to any limitations under applicable federal law, available call location information of a telecommunications device without delay if the officer or agent asserts:

- (a) that the device was used to place a 9-1-1 call requesting emergency assistance; or
- (b) reasonable suspicion that the device is in the possession of an individual who is involved in an emergency situation that involves risk of death or serious physical harm.

(2) If a law enforcement agency officer or an employee or other agent of a public safety answering point acting on behalf of an officer submits a request for location information to a commercial mobile service under subsection (1), the law enforcement agency employing the officer shall maintain a record of the request that includes each of the following:

- (a) the name of the officer or agent making the request or, in the case of a request made by an agent, the name of the officer on whose behalf the agent is acting;
- (b) a description of the request that explains the need for disclosure of location information; or
- (c) a declaration that disclosure of location information is needed based on the conditions described in subsection (1).

(3) A commercial mobile service may establish protocols by which the commercial mobile service voluntarily discloses call location information.

(4) The department shall obtain direct contact information from all commercial mobile services authorized to do business in this state to facilitate a request from a law enforcement agency or a public safety answering point on behalf of a law enforcement agency for call location information under this section. All commercial mobile services shall inform the department of any changes to their direct contact information. The department shall disseminate the direct contact information to each public safety answering point in this state.

Section 2. Section 27-1-735, MCA, is amended to read:

"27-1-735. Emergency communications systems -- lawful release of information. (1) It is lawful for a telephone company or telecommunications provider to release in good faith to personnel of emergency communications systems information not in the public record, including but not limited to unpublished or unlisted telephone numbers, ~~and~~ subscribers' names and physical addresses, and call location information pursuant to [section 1].

(2) A local exchange telephone company registered as a Montana telecommunications service provider, as provided in 69-3-805, or a provider of commercial mobile service, as defined in 47 U.S.C. 332(d)(1), that provides emergency communications systems and related services and its employees and agents are not liable in tort to any person for damages alleged to have been caused by the design, development, installation, maintenance, or provision of emergency communications systems or related services unless the acts or omissions of the entities or persons constitute gross negligence or willful or wanton misconduct. This subsection does not provide immunity from liability in a products liability action.

(3) For the purposes of this section, "subscribers" means persons, partnerships, corporations, or other entities acquiring telecommunications services from a telecommunications provider. There is one subscriber for each billed line of a telecommunications provider."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 10, chapter 4, and the provisions of Title 10, chapter 4, apply to [section 1].

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