

1 SENATE BILL NO. 219

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

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

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

19 (a) that the device was used to place a 9-1-1 call requesting emergency assistance; or

20 (b) reasonable suspicion that the device is in the possession of an individual who is involved in an
21 emergency situation that involves risk of death or serious physical harm.

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

26 (a) the name of the officer or agent making the request or, in the case of a request made by an agent,
27 the name of the officer on whose behalf the agent is acting;

28 (b) a description of the request that explains the need for disclosure of location information; or

1 (c) a declaration that disclosure of location information is needed based on the conditions described
2 in subsection (1).

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

5 (4) The department shall obtain direct contact information from all commercial mobile services
6 authorized to do business in this state to facilitate a request from a law enforcement agency or a public safety
7 answering point on behalf of a law enforcement agency for ~~call~~ PHONE location information under this section.
8 All commercial mobile services shall inform the department of any changes to their direct contact information.
9 The department shall disseminate the direct contact information to each public safety answering point in this
10 state.
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12 **Section 2.** Section 27-1-735, MCA, is amended to read:

13 **"27-1-735. Emergency communications systems -- lawful release of information.** (1) It is lawful
14 for a telephone company or telecommunications provider to release in good faith to personnel of emergency
15 communications systems information not in the public record, including but not limited to unpublished or
16 unlisted telephone numbers, ~~and~~ subscribers' names and physical addresses, and call PHONE location
17 information pursuant to [section 1].

18 (2) A local exchange telephone company registered as a Montana telecommunications service
19 provider, as provided in 69-3-805, or a provider of commercial mobile service, as defined in 47 U.S.C.
20 332(d)(1), that provides emergency communications systems and related services and its employees and
21 agents are not liable in tort to any person for damages alleged to have been caused by the design,
22 development, installation, maintenance, or provision of emergency communications systems or related services
23 unless the acts or omissions of the entities or persons constitute gross negligence or willful or wanton
24 misconduct. This subsection does not provide immunity from liability in a products liability action.

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