

**SUBSTITUTE FOR
SENATE BILL NO. 1089**

A bill to require wireless carriers to provide device locations for emergencies upon the request of law enforcement; to prescribe the powers and duties of certain state agencies; and to provide for immunity from prosecution and from civil liability under certain circumstances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Law enforcement agency" means the department of state
3 police, a police agency of a city, village, or township, a
4 sheriff's department, a public safety department of a state
5 university described in section 4, 5, or 6 of article VIII of the
6 state constitution of 1963, or any other governmental law
7 enforcement agency in this state.

8 (b) "Law enforcement officer" means a police officer of a

1 county, city, village, or township or this state, a state
2 university public safety officer of a state university described in
3 section 4, 5, or 6 of article VIII of the state constitution of
4 1963, a prosecuting attorney, an assistant prosecuting attorney, or
5 an investigator for the office of prosecuting attorney, or any
6 other person whose duty is to enforce the laws of this state or of
7 the United States.

8 (c) "Public safety agency" means a functional division of a
9 public agency, county, or the state that provides firefighting, law
10 enforcement, ambulance, medical, or other emergency services.

11 (d) "Public safety answering point" means a communications
12 facility operated or answered on a 24-hour basis and assigned
13 responsibility by a public safety agency or county to receive 9-1-1
14 calls and to dispatch public safety response.

15 (e) "Wireless carrier" means a provider of commercial mobile
16 services, as that term is defined in 47 USC 332, including all
17 broadband personal communications services, wireless radio
18 services, and incumbent wide area specialized mobile radio
19 licensees that offer real-time, 2-way voice or data service
20 interconnected with the public switched telephone network, and that
21 is doing business in Michigan.

22 Sec. 3. (1) Upon receipt of a request from a law enforcement
23 officer stating that the disclosure of device location information
24 is needed in an emergency situation that involves the imminent risk
25 of death or serious physical harm to the user of a wireless
26 telecommunications device, a wireless carrier shall provide the
27 requested device location information concerning the device to the

1 requesting law enforcement officer.

2 (2) This section does not prohibit a wireless carrier from
3 establishing protocols for the disclosure of device location
4 information.

5 (3) The department of state police shall obtain contact
6 information for all wireless carriers authorized to do business in
7 this state or submitting to the jurisdiction of this state in order
8 to facilitate a request from an investigative or law enforcement
9 officer for device location information under this section. The
10 department of state police shall disseminate this information on a
11 quarterly basis, or immediately as changes occur, to all public
12 safety answering points and law enforcement agencies.

13 Sec. 5. No cause of action, either civil or criminal, lies in
14 any court against a wireless carrier or its officers, employees,
15 agents, or other specified persons for complying with a request
16 from a law enforcement officer under this act.

17 Enacting section 1. This act takes effect 90 days after it is
18 enacted into law.