



Senate Fiscal Agency
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Senate Bill 1089 (as introduced 9-24-14)
Sponsor: Senator Rick Jones
Committee: Energy and Technology

Date Completed: 12-2-14

CONTENT

The bill would create a new statute to do the following:

- **Require a wireless carrier to provide call location information in certain emergency situations upon the request of a law enforcement officer.**
- **Require the Michigan Department of State Police (MSP) to obtain contact information for all wireless carriers in Michigan, in order to facilitate call location requests.**
- **Require the MSP to disseminate that information to all public safety answering points and law enforcement agencies.**
- **Specify that a wireless carrier's provision of call location information in accordance with the bill would not constitute a cause of action in court.**

Upon receiving a request from a law enforcement officer stating that the disclosure of call location information was needed in an emergency situation that involved the risk of death or serious physical harm to the user of a wireless telecommunications device, a wireless carrier would have to provide the requested information concerning the device to the requesting officer. The bill provides that it would not prohibit a wireless carrier from establishing protocols for the disclosure of call location information.

The bill would require the MSP to obtain contact information for all wireless carriers authorized to do business in Michigan or submitting to the State's jurisdiction, in order to facilitate a request from an investigative or law enforcement officer for call location information. The MSP would have to disseminate the contact information on a quarterly basis, or immediately as changes occurred, to all public safety answering points and law enforcement agencies.

The bill provides that no cause of action, either civil or criminal, would lie in any court against a wireless carrier or its officers, employees, agents, or other specified people for providing call location information in accordance with the bill.

The bill would define "law enforcement agency" as the MSP; a police agency of a city, village, or township; a sheriff's department, a public safety department of a State university, or any other governmental law enforcement agency in Michigan.

"Wireless carrier" would mean a provider of commercial mobile services, as that term is defined in 47 USC 332, including all broadband personal communications services, wireless radio services, and incumbent wide area specialized mobile radio licensees that offer real-time, two-way voice or data service interconnected with the public switched telephone network, that is doing business in Michigan. (Under 47 USC 332, "commercial mobile

service" means any mobile service that is provided for profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion the public, as specified by regulation of the Federal Communications Commission.)

"Law enforcement officer" would mean a police officer of a county, city, village, or township or the State of Michigan, a State university public safety officer of a State university described in Section 4, 5, or 6 of Article VIII of the State Constitution, a prosecuting attorney, assistant prosecuting attorney, or investigator for the office of prosecuting attorney, or any other person whose duty is to enforce the laws of Michigan or of the United States.

(Sections 4, 5, and 6 of Article VIII of the State Constitution refer to the University of Michigan, Michigan State University, Wayne State University, Eastern Michigan University, Michigan College of Science and Technology, Central Michigan University, Northern Michigan University, Western Michigan University, Ferris Institute, and Grand Valley State College, by whatever names they are known.)

"Public safety answering point" would mean a communications facility operated or answered on a 24-hour basis and assigned responsibility by a public agency or county to receive 9-1-1 calls and to dispatch public safety response.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on local or State government.

Fiscal Analyst: Bruce Baker
Josh Sefton