

CHAPTER 152
FORMERLY
HOUSE BILL NO. 89
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO LAW-ENFORCEMENT ADMINISTRATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 11 of the Delaware Code by making deletions as shown by strike through and insertions shown by underline as follows:

CHAPTER 89B. CALL LOCATION INFORMATION

§ 8901B Definitions.

As used in this chapter:

(1) "Law-enforcement agency" means a government agency or any subunit thereof which performs the administration of criminal justice pursuant to state or federal law or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice. For the purposes of this subchapter, such agencies shall include, but are not limited to, the following:

- a. The Delaware State Police;
- b. All law-enforcement agencies and police departments of any political subdivision of this State;
- c. The Department of Correction; and
- d. The Department of Justice.

(2) "Provider" is as defined in § 10002 of Title 16.

(3) "Public safety answering point" is as defined in § 10002 of Title 16.

(4) "Wireless provider" is as defined in § 10002 of Title 16.

(5) "Wireless service" is as defined in § 10002 of Title 16.

(6) "Wireless service customer" is as defined in § 10002 of Title 16.

§ 8902B Provision of call location information by wireless service provider to law enforcement.

(a) Upon request of a law-enforcement agency or a public safety answering point on behalf of a law enforcement agency, a wireless provider shall provide call location information concerning the telecommunications device of a wireless service customer to the requesting law-enforcement agency or public safety answering point. A law-enforcement agency or public safety answering point shall only request information under this chapter for the purposes of responding to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.

(b) A wireless provider may establish protocols by which the carrier voluntarily discloses call location information.

(c) No cause of action shall lie in any court against a wireless provider, its directors, officers, employees, agents, or vendors for providing cell location tracking information to a law-enforcement agency or public safety answering point as required by this chapter.

(d) The Delaware State Police Headquarters Communications shall obtain contact information from all wireless providers 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. The Delaware State Police Headquarters Communications shall disseminate the contact information to each public safety answering point in this State.

Section 2. This Act shall be known as the Kelsey Smith Act.

Section 3. This Act shall take effect 6 months after its enactment.

Approved August 07, 2015