

# Bill as Introduced

SB 435 - AS AMENDED BY THE SENATE

03/17/10 0927s

2010 SESSION

10-2847

05/03

SENATE BILL **435**

AN ACT relative to the provision of caller locations in emergency situations.

SPONSORS: Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Letourneau, Dist 19; Sen. Houde, Dist 5; Sen. Bragdon, Dist 11; Rep. Kurk, Hills 7; Rep. Renzullo, Hills 27; Rep. Charron, Rock 7; Rep. Welch, Rock 8

COMMITTEE: Commerce, Labor and Consumer Protection

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ANALYSIS

This bill requires wireless telecommunications carriers to disclose caller locations to law enforcement in certain emergency situations.

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Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears ~~[in brackets and struck through]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT relative to the provision of caller locations in emergency situations.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Title. This act shall be known as "the Kelsey Smith act."

2 2 New Subdivision; Enhanced 911 System. Amend RSA 106-H by inserting after section 15 the  
3 following new subdivision:

4 Wireless Telecommunications Carriers

5 106-H:16 Disclosure of Caller Location in Emergency Situations.

6 I. Upon the request of a law enforcement agency, a wireless telecommunications carrier  
7 shall provide call location information concerning the telecommunications device of the user in order  
8 for the requesting law enforcement agency to respond to a call for emergency services.

9 II. Such call location information shall be provided by a wireless telecommunications carrier  
10 if the wireless telecommunications carrier, in good faith, believes that an emergency involving  
11 danger of death or serious physical injury to any person requires disclosure without delay.

12 III. Notwithstanding any provision of law to the contrary, nothing in this section prohibits a  
13 wireless telecommunications carrier from establishing protocols by which the carrier may voluntarily  
14 disclose call location information.

15 IV. No government official except for the chief of, or a superior officer of, the primary  
16 investigating law enforcement agency shall request call location information. Such information shall  
17 not be requested or obtained except when the agency has used all reasonable law enforcement  
18 investigative strategies and techniques to determine that the individual in question is a missing  
19 person and the circumstances surrounding the disappearance indicate that the individual is in  
20 danger of serious bodily harm or death at the hands of another or due to a mental or physical  
21 disability. The call location information request shall be activated through the public safety  
22 answering point as part of the statewide enhanced 911 system.

23 V. No cause of action shall lie in any court against any wireless telecommunications carrier,  
24 its officers, employees, agents, or other specified persons for providing call location information while  
25 acting in good faith and in accordance with the provisions of this section, except that paragraph IV  
26 shall not apply to wireless telecommunications carriers, nor shall any wireless telecommunications  
27 carrier be obligated to make an affirmative determination that the requesting law enforcement  
28 agency or public safety answering point has met the threshold requirements of paragraph IV. In  
29 addition, wireless telecommunications carriers shall provide the most accurate call location  
30 information available, given the technical and other limitations that may impact the accuracy of the

**SB 435 - AS AMENDED BY THE SENATE**

**- Page 2 -**

1 call location information in the relevant area.

2 VI. The department of safety shall obtain contact information for all wireless  
3 telecommunications carriers authorized to do business in this state in order to facilitate a request  
4 from a law enforcement agency for call location information in accordance with this section.

5 VII. The commissioner of the department of safety shall adopt rules, under RSA 541-A,  
6 relative to the notice and disclosure requirements provided in this section.

7 VIII. In this section, "wireless telecommunications carrier" shall have the same meaning as  
8 commercial mobile radio service provider in RSA 106-H:8.

9 3 Effective Date. This act shall take effect 60 days after its passage.

# Amendments

Amendment to SB 435

1 Amend the bill by replacing section 2 with the following:

2

3 2 New Subdivision; Enhanced 911 System. Amend RSA 106-H by inserting after section 15 the  
4 following new subdivision:

5

Wireless Telecommunications Carriers

6

106-H:16 Disclosure of Caller Location in Emergency Situations.

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I. Upon request of a law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the telecommunications device of the user in order for the requesting law enforcement agency to respond to a call for emergency services or an emergency situation that involves the risk of death or serious physical harm. The wireless telecommunications carrier shall provide the most accurate call location available, given the technical and other limitations that may impact the accuracy of the call location information in the relevant area.

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II. Notwithstanding any provision of law to the contrary, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier may voluntarily disclose call location information.

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III. The department of safety shall obtain contact information for all wireless telecommunications carriers authorized to do business in this state in order to facilitate a request from a law enforcement agency for call location information in accordance with this section.

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IV. When requested by a law enforcement agency, the public safety answering point of the enhanced 911 statewide system shall assist the agency to obtain call location information from wireless telecommunications carriers. Such assistance shall be provided only upon the requesting agency providing information establishing that the call location information is necessary to assist the agency in responding to an emergency situation that involves the risk of death or serious bodily injury.

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V. No cause of action shall lie in any court against any wireless telecommunications carrier, its officers, employees, agents, or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section. A wireless telecommunications carrier shall not be obligated to make an affirmative determination that the requesting law enforcement agency or public safety answering point has met the threshold requirements of paragraph I.

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32

VI. The commissioner of the department of safety shall adopt rules, under RSA 541-A, relative to the notice and disclosure requirements provided in this section.

**Amendment to SB 435**

**- Page 2 -**

1           VII. In this section, "wireless telecommunications carrier" shall have the same meaning as  
2 commercial mobile radio service provider in RSA 106-H:8.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 435

**BILL TITLE:** relative to the provision of caller locations in emergency situations.

**DATE:** March 30, 2010

**LOB ROOM:** 204      **Time Public Hearing Called to Order:** 11:30 a.m.

**Time Adjourned:** 11:55 a.m.

(please circle if present)

**Committee Members:** Reps. Shurtleff, Pantelakos, Berube, Robertson, Movsesian, Burrridge, Cushing, Rodd, Chandley, B. McCarthy, M. Ryder, Welch, Charron, Fesh, Wear, Stevens, Villeneuve, Gagne, Swinford and Willette.

**Bill Sponsors:** Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Letourneau, Dist 19; Sen. Houde, Dist 5; Sen. Bragdon, Dist 11; Rep. Kurk, Hills 7; Rep. Rensullo, Hills 27; Rep. Charron, Rock 7; Rep. Welch, Rock 8

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**\*Sen. Carson** - Prime sponsor.

- Has copy of written testimony.
- Had a handout for the Committee.

**Rep. Charron**

(In support)

- This bill makes a lot of sense.
- Very important in cases of abduction.

**Ann Rice** - Attorney General's Office

(Information)

- Has some problems with some of the language.
- Paragraph 4 may need some work.

**\*Capt. Jordan** - N. H. Fish and Game

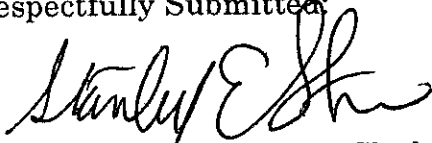
(In support)

- Has written testimony.

SB 435      Page Two      (Continued)

**SUBCOMMITTEE:**    **Rep. Shannon Chandley, Chair**  
                          **Rep. Timothy Robertson**  
                          **Rep. Gene Charron**

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Stanley E. Stevens". The signature is written in a cursive style with a large, prominent initial "S".

Rep. Stanley E. Stevens, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

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**Bill Sponsors:** Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Letourneau, Dist 19; Sen. Houde, Dist 5; Sen. Bragdon, Dist 11; Rep. Kurk, Hills 7; Rep. Rensullo, Hills 27; Rep. Charron, Rock 7; Rep. Welch, Rock 8

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

SB 435

30 Mar 2010

Start: 1130  
Finish: 1155

Sub. Comm. Rep. Chandlery Chair  
Rep. Robertson  
Rep. Churron

Sen Carson prime sponsor

- has copy of written testimony.
- has a handout for the Committee.

Rep Churron (in support)

- This bill makes a lot of sense.
- Very important in cases of abduction.

Ann Rice Attorney General's office (information)

- has some problems with some of the language.
- paragraph 4 may need some work.

Capt Jordan NH Fish & Game (in support)

- has written testimony.

# Sub-Committee Actions

**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**  
**SUBCOMMITTEE WORK SESSION ON SB 435**

**BILL TITLE:** relative to the provision of caller locations in emergency situations.

**DATE:** May 4, 2010

**Subcommittee Members:** Reps. Shannon E. Chandley, Chair, Charron and Robertson

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. Shannon E. Chandley                      OLS Document #:

Sponsor: Rep.    OLS Document #:

Sponsor: Rep.    OLS Document #:

**Motions:**      OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Timothy N. Robertson

Seconded by Rep. Shannon E. Chandley

Vote: 2-0

**Motions:**      OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Shannon E. Chandley, Chair  
Subcommittee Chairman/Clerk



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY  
SUBCOMMITTEE WORK SESSION ON SB 435

**BILL TITLE:** relative to the provision of caller locations in emergency situations.

**DATE:** ~~5/3~~ MAY 4, 2010

**Subcommittee Members:** Reps. Shannon E. Chandley, Chair, Charron and Robertson

**Comments and Recommendations:**

**Amendments:**

Sponsor: Rep. *Chandley*

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Robertson*

Seconded by Rep. *Chandley*

Vote: *2-0*

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,  
*Shannon E. Chandley*  
Rep. Shannon E. Chandley, Chair  
Subcommittee Chairman/Clerk

Amendment to SB 435

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12 limitations that may impact the accuracy of the call location information in the relevant area.

13 II. Notwithstanding any provision of law to the contrary, nothing in this section prohibits a  
14 wireless telecommunications carrier from establishing protocols by which the carrier may voluntarily  
15 disclose call location information.

16 III. The department of safety shall obtain contact information for all wireless  
17 telecommunications carriers authorized to do business in this state in order to facilitate a request  
18 from a law enforcement agency for call location information in accordance with this section.

19 IV. When requested by a law enforcement agency, the public safety answering point of the  
20 enhanced 911 statewide system shall assist the agency to obtain call location information from  
21 wireless telecommunications carriers. Such assistance shall be provided only upon the requesting  
22 agency providing information establishing that the call location information is necessary to assist the  
23 agency in responding to an emergency situation that involves the risk of death or serious bodily  
24 injury.

25 V. No cause of action shall lie in any court against any wireless telecommunications carrier,  
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27 acting in good faith and in accordance with the provisions of this section. A wireless  
28 telecommunications carrier shall not be obligated to make an affirmative determination that the  
29 requesting law enforcement agency or public safety answering point has met the threshold  
30 requirements of paragraph I.

31 VI. The commissioner of the department of safety shall adopt rules, under RSA 541-A,  
32 relative to the notice and disclosure requirements provided in this section.



1 VII. In this section, "wireless telecommunications carrier" shall have the same meaning as  
2 commercial mobile radio service provider in RSA 106-H:8.

# Sub-Committee Minutes

**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**  
**SUBCOMMITTEE WORK SESSION ON SB 435**

**BILL TITLE:** relative to the provision of caller locations in emergency situations.

**DATE:** April 8, 2010

**Subcommittee Members:** Reps. Chandley, Charron and Robertson

**Comments and Recommendations:** Recess until day of Executive Session. Will schedule another work session.

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Shannon E. Chandley  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

SUBCOMMITTEE WORK SESSION ON SB 435

**BILL TITLE:** relative to the provision of caller locations in emergency situations.

**DATE:** April 13, 2010

**Subcommittee Members:** Reps. Chandley, Charvon, Robertson

**Comments and Recommendations:** Recs until day of executive session. Will

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

schedule  
another work  
session.

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

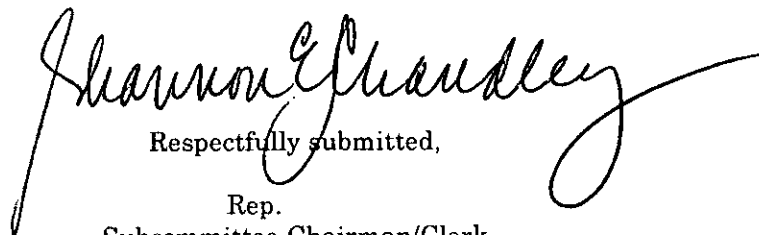
Vote:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

  
Respectfully submitted,  
Rep.  
Subcommittee Chairman/Clerk

# Testimony

Prepared Testimony of Missey Smith  
Mother of Kelsey Smith  
for the  
Kansas Senate Utilities Committee  
House Bill 2126  
March 12, 2009



*In Memory of Kelsey*



Mr. Chairman and members of the subcommittee, I want to thank you for letting me speak today and for considering such an important piece of legislation. My name is Missey Smith. I am the mother of Kelsey. She is the young lady that was taken from a Target store in Overland Park, Kansas on June 2, 2007. Kelsey's body was recovered four days later on June 6, 2007. What does a parent go through when a child is missing? You don't eat because you don't know if your child is eating. You don't sleep, because you wonder if they are sleeping. It is pure hell. What took so long to find Kelsey? ONE word, Verizon.

When our daughter Lindsey called me, I was on my way home from a wedding in Des Moines. She let me know that Kelsey was not answering her phone or text messages, I knew immediately that something was wrong. My husband and Kelsey's siblings and John, her boyfriend, continued to try and reach her as did I for the last hour of my trip. Sometime that night after arriving home, John, explained that his uncle used to work for Sprint and had explained that our cell phone company could "ping" Kelsey's phone so we could locate her. It seemed simple enough. Little did we know? I called our provider, Verizon, I explained that my daughter was missing and I needed help to locate her. They told me that they were unable to do that. They explained that I could get on-line and check her cell phone activity. We had contacted police and I believe had located her car. I know some time that night Greg also contacted them and was told the same thing.

In July of 2007 we had a meeting with Verizon officials regarding what had occurred in Kelsey's case. During that meeting one of the lawyers basically said to us that we used incorrect terminology when requesting their help. WE had used the word "ping". Apparently they didn't understand that. I told them to go back and check their protocol and figure out where they had failed Kelsey and us as a family. I said that I would follow up regarding this. After several months of not hearing anything, I called Nancy Bates an administrative assistant. I explained why I was calling. She had the unfortunate job of calling me back to say the lawyers found their protocol to be "adequate". If their actions were adequate, I would hate to see what inadequate is. I can tell you this; if Verizon had acted in a more responsive manner we probably would not be here today asking for this legislation. In no way do we hold them responsible for Kelsey's death. I fully understand that no company can be perfect. I understand that employees are human and that

mistakes will be made. That is just part of being human. I do think that this legislation WILL reduce those errors.

I am going to read a letter from Danny Strigl, the President and Chief Executive Officer of Verizon dated October 2006. It was included in the Verizon Wireless Code of Conduct which would have been the protocol in place at the time of Kelsey's murder.

(Attachment 1)

Unfortunately, Verizon did not and does not act "in the spirit of doing the right thing." In September of 2007, Tanya Rider, of Washington State had been missing for eight days, was found alive at the bottom of a ravine in her wrecked vehicle. Verizon, her carrier according to her husband on Larry King, was not helpful in locating her. Sheriff Rahr of the King County Sheriff's office stated that there has to be a more timely way to get cell phone records in a missing person's case. She believed that Mrs. Rider could have been found 3 ½ days sooner. (Attachment 2)

In November of 2007, Daphny Velder, from Independence, MO went missing. Her family went through some of the same agony of searching and not knowing the fate of their daughter as we did with Kelsey. They also ran into road blocks with their cell phone company Verizon. Verizon would not help her family until Kelsey's name was used. Fortunately, she came home after seeing her mother on TV with me.

In August of 2008, a woman was shot and killed by her son. She had dialed 911 from her Verizon cell phone. She was in Vermont and unable to state her address, her phone could be traced to the tower the call was received at, in New York. There was a delay in getting the "proper form faxed". (Attachment 3)

Verizon is not the only company in Kansas that this type of situation occurs with. We have gotten to know the Sanderholm family of Ark City, Kansas. Their daughter Jodi went missing and was found murdered four days later. They had a two day delay in getting the records of Jodi's cell phone. A subpoena had to be issued. Their provider was US Cellular. I recently met Lori Dennis, the mother of Renee Dennis, of Coffeyville, Kansas who was murdered on March 2, 2007. Renee wasn't found for 13 days. This is another case with cell phone issues. This time the provider was Cellular One. Three different cases, three different providers. This is an industry problem.

In the United States, there are over 250 million wireless customers and in the first half of 2007 one out of every eight American homes had wireless phones only. In Kansas the number of homes with wireless only is almost 17%. Instant messages outnumbered emails and are becoming the principal means of communication for young people. All of them are potential victims that could be helped from this legislation.

I truly believe that this legislation WILL save a life. It WILL save money. How much money was spent those three extra days looking for Kelsey? How many man hours? How many young people and volunteers were invested in bringing her home? All the while Verizon had the ability to let us know where she was. After they FINALLY did the right thing, Kelsey was found in 45 minutes.

In Verizon's Code of Conduct, on page 34, they list their core values. The last one is this:

**"ACCOUNTABILITY**

We take responsibility for our actions as individuals, as team members, and as an organization. We work together, support one another and never let the customer – or our coworkers –down.

Great companies are judged by what they do, not by what they say. To be the best, we're going to keep pushing ourselves in new and exciting directions. These values will guide our every action. "

It is time for cell phone companies to "man up" and do the right thing. In 2007, there were 4176 young people ages 17-24, murdered in the United States. How many of those victims had a cell phone? I personally knew one of them.

## A Message to all Employees

October 2008

Fellow Employees,

Our Code of Conduct is a guide to help us act responsibly, ethically and lawfully.

Integrity is the foundation of lasting business success. For Verizon Wireless to continue to win in the competitive marketplace, our brand, in addition to reliability, must stand for integrity, trust and the highest ethical standards.

To sharpen our focus, the Code of Conduct has been updated. It is now simpler and easier to read, but the expectations are the same - that we conduct all our business activities with the highest standards of integrity.

I urge you to review this document thoroughly. When necessary, you should discuss concerns with your supervisor, your Human Resources Representative, the Office of Integrity & Compliance, or the Legal Department.

As I have said before, integrity goes beyond laws and policies to also include the spirit of doing the right thing - for our customers, our shareholders, our communities and each other - in every business action that we take. Integrity also means that every employee has the right, indeed the obligation, to constructively dissent and to voice his or her concerns.

I expect our employees to do the right thing and to set the highest standards possible for our industry and ourselves, just as we have for all the other ways we measure our performance.

Sincerely,

Denny Strigl  
President and Chief Executive Officer

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**Our Commitment:**  
Customers First

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**Our Core Values:**

- Integrity
- Respect
- Quality & Innovation
- Personal & Team Commitment

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King County Sheriff

Leadership, Integrity, Service, Teamwork

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Statement on Rider Case

News Oct. 3, 2007

and

Media

## Sheriff Rahr Issues Statement Regarding Tanya Rider Case

"I have some positive news to report in the aftermath of Tanya Rider's horrific accident. Certainly the first and most important is that she was found and is recovering.

Second, this case has prompted the Sheriff's Office to review with a critical eye how we handle missing persons cases in general and this case in particular. We have begun looking at our process from start to finish. Equally important, it has given us an opportunity to engage the public so they are more aware of the hurdles we have when investigating these cases.

Yes, we do have a screening process when someone calls 9-1-1 to report someone missing. In fact all 9-1-1 calls must be screened and prioritized to one extent or another. The reason behind our screening policy for missing person cases is threefold: (1) to expedite an investigation when foul play is suspected or a person is otherwise at risk; (2) to protect the privacy of the person believed to be missing; (3) and to best utilize the very limited resources of the Sheriff's Office. We cannot afford to misdirect resources if the person is "missing" of their own accord, or not really missing at all.

I have reviewed the policies we have in place for initiating a missing person case. I believe those policies are appropriate, and generally mirror the policies of other police agencies. We will be handing out a copy of that policy today.

Secondly, I believe these policies were followed by our Call Receivers when Tom Rider called 9-1-1. I will qualify that by saying the decision to take the report is a subjective one, by necessity, since each situation is different. That means different people might come to a different conclusion.

In this situation, I've spoken with Call Receivers on both sides of the fence - some say we should have taken the report a day earlier, others say it was handled appropriately.

However I am only asking for this change for missing person cases. I believe criminal investigations where cell phone records are needed should still have a search warrant for accessing those records.

I am asking Tom Rider to work with me toward this legislative change. State Representative Al O'Brien, a former police officer, has already stepped forward and pledged to help us. Representative O'Brien has previously been an advocate for missing persons legislation. (SB 5191)

Again, my thanks to Tom Rider for understanding the limitations the Sheriff's Office had when investigating the disappearance of his wife. My heart goes out to Tom and his wife for what they have endured so far, and I send my best wishes to Tanya from the entire Sheriff's Office for a speedy recovery."

Updated: May 29, 2008

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## Technology, bureaucracy delayed Vt. 911 response Associated Press

By Wilson Ring, Associated Press Writer | August 8, 2008

MONTPELIER, Vt. —A 911 dispatcher trying to find a Vermont woman being beaten to death was slowed by technical problems and a bureaucratic roadblock at Verizon Wireless, delaying emergency responders' ability to reach the victim, a county official in New York said Friday.

The dispatcher was placed on hold for two minutes and then got a busy signal when trying to fax a form that would allow Verizon Wireless to release the billing address of the victim's cell phone, said Bill Cook, the director of Public Safety for Washington County.

It was 30 minutes between the time a screaming Francine Morgan made a 911 call from her home in Wells, Vt., just before 4 a.m. Aug. 2 that was answered across the state line in New York and the Vermont State Police in Rutland could be sent to her home where she was found dead.

"This was in 24 years of being in this business, the worst call I've ever had to review," said Cook.

It's unclear if without the delay, troopers could have saved the life of Morgan. Her 14-year-old son Christian Taylor has pleaded not guilty to a second degree murder charge in the death of his mother.

During the call, operators heard Morgan screaming and noises consistent with an object striking another object. After a time Morgan's voice stopped.

The issue was further complicated because the Washington County 911 system didn't have computerized maps of Vermont that would have displayed the location of Morgan's call. Instead, the computer displayed the location of the cell tower that picked up the call, officials said.

The tower was located in Granville, N.Y., several miles from Morgan's home in Wells. Before the location of the call was identified, Washington County officials had to get the billing address of Morgan's account.

Cook said the Verizon Wireless official who answered the phone in New Jersey wouldn't release the billing address without a faxed verification form. The form was then faxed to Washington County and when officials tried to send it back they were further delayed by a busy signal.

Verizon Wireless spokesman John O'Malley said the operators at the company's center needed to verify that the request for billing information was legitimate. The fax system has been in place for five years and there has never been a problem.

"When our analyst offered to fax the form, (the Washington County operator) didn't say this is really time critical. Had he done that our analyst would have done a callback verification," O'Malley said.

O'Malley said Morgan had a new phone that did transmit the location of the 911 call, but because Washington County didn't have the proper mapping software it didn't do any good.

But Cook said that wasn't true. He said his office had a recording of the conversation in which his operator made clear there was an assault in progress and time was critical.

"They are just trying to pass that off on somebody else," Cook said.

After Morgan's first call was received, a second Washington County operator called back the number, and listened to Morgan's message, which only gave her first name. The center sent Granville police to knock on

doors looking for someone named Francine.

Apart from the delays in getting Verizon Wireless to release the caller's billing address and software issues, experts say the case highlights the limitations of using cell phones to call 911, especially in border areas where calls from one state can be answered in another state or, in some cases, another country.

It's routine for 911 operators to receive calls from outside their jurisdiction. When that happens operators can pass the call to the appropriate location, said David Serra, the executive director of Vermont Enhanced 911 Board.

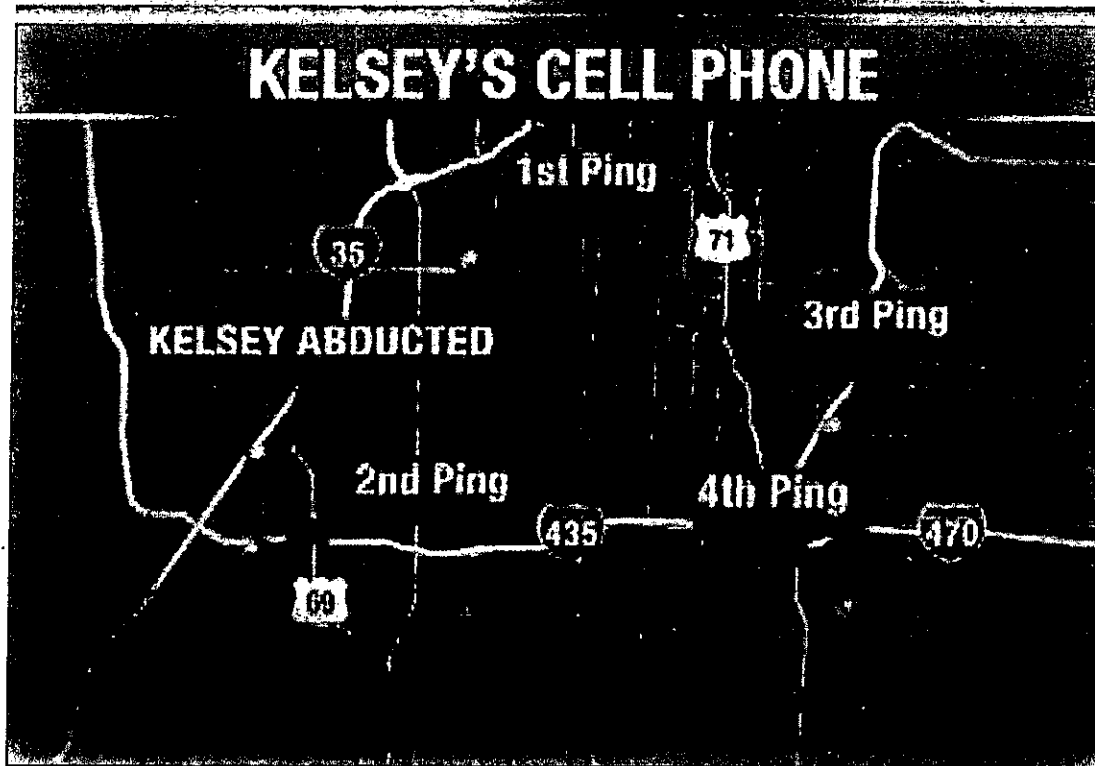
What was unusual in the Wells case was Morgan couldn't communicate.

"It was very good work on their part," Serra said of the people who dealt with the call in New York. "Instead of hitting the 800 number and sending this call that nobody is on the other end of and that there's no location information for to Vermont 911, they sought to find who it was so they called Verizon Wireless."

Since Morgan's call, Cook said his office was working with Serra's office to load computerized maps of Vermont into the Washington County system.

"We don't typically share that data, but we are going to start doing that," Cook said. "We have been working with Vermont officials. We are going to do some test calls next." □

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Map by KMBC-TV, Kansas City, MO. Posted at <http://www.kmbc.com/image/13456867/detail.html>

Analysis of the phone records show Kelsey Smith's phone passed through cell phone locations located on I-35 to I-435, then east to south on Highway 71, and from there to an area in the vicinity of Longview Lake Park. Searchers found Kelsey's body in a large wooded area near the lake.



## New Hampshire Fish and Game Department

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Headquarters: (603) 271-3421  
Web site: [www.WildNH.com](http://www.WildNH.com)

TDD Access: Relay NH 1-800-735-2964  
FAX (603) 271-1438  
E-mail: [info@wildlife.nh.gov](mailto:info@wildlife.nh.gov)

Glenn Normandeau  
Executive Director

**New Hampshire Fish and Game Department  
Testimony in support of SB 435  
An relative to the provision of caller locations in emergency situations**

**House Criminal Justice and Public Safety Committee  
March 30, 2010**

Good morning Mr. Chairman and members of the Committee. For the record my name is Kevin Jordan and I am the Administrative Captain of Law Enforcement for the Fish and Game Department. The Department supports this bill and the Fish and Game Commission voted to support it.

The Department is responsible to conduct all searches and rescues in the woodlands and inland waters of the State of New Hampshire. Currently if a victim is lost and calls the Department we will advise the caller to hang up and call 911. 911 has the ability to locate the person depending on the number of Cell Phone Towers their phone is using. But in many situations the caller can not use their cell phone either because they are injured or incapacitated. The Department feels this proposal will be another tool for Conservation Officers to successfully accomplish Search and Rescue missions.

Mr. Chairman, thank you for the opportunity to testify before the Committee this morning and the Department urges the Committee to vote in support of this proposal.

# Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 435

**BILL TITLE:** relative to the provision of caller locations in emergency situations.

**DATE:** May 4, 2010

**LOB ROOM:** 204

**Amendments:**

Sponsor: Rep. Shannon E. Chandley OLS Document #: 2010 1327h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Shannon E. Chandley

Seconded by Rep. Timothy N. Robertson

Vote: 15-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Shannon E. Chandley

Seconded by Rep. David E. Welch

Vote: 15-0 (Please attach record of roll call vote.)

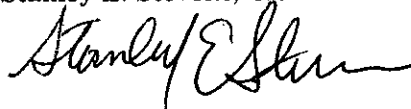
**CONSENT CALENDAR VOTE: 15-0**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 435

BILL TITLE: relative to the provision of caller locations in emergency situations.

DATE: 4-5-10 5/4/10

LOB ROOM: 204

Amendments:

Sponsor: Rep.

*Chandley*

OLS Document #: 1327A

Sponsor: Rep.

~~*for*~~

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: *amendment* OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

*Chandley*

Seconded by Rep.

*Robertson*

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

*Chandley*

Seconded by Rep.

*Welch*

Vote: 15-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 15-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stanley E. Stevens, Clerk

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: SB 435 Title: Relative to the provision of caller locations in emergency situations.

PH Date: 03/30/10

Exec Session Date: 4/5/10

Motion: OTP/A

Amendment #: 1327h

MEMBER	YEAS	NAYS
Shurtleff, Stephen J, Chairman	✓	
Pantelakos, Laura C, V Chairman		
Berube, Roger R	✓	
Robertson, Timothy N	✓	
Movsesian, Lori A	✓	
Burridge, Delmar D	✓	
Cushing, Robert R	✓	
Rodd, Beth	✓	
Chandley, Shannon E	✓	
McCarthy, Barbara A		
Ryder, Mark R		
Welch, David A	✓	
Charron, Gene P		
Fesh, Robert M		
Weare, Everett A	✓	
Stevens, Stanley E, Clerk	✓	
Villeneuve, Moe	✓	
Gagne, Larry G	✓	
Swinford, Elaine B	✓	
Willette, Robert F	✓	
	15	0
TOTAL VOTE:		



**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill #: SB 435

Title: Relative to the provision of caller locations in emergency situations.

PH Date: 03/30/10

Exec Session Date: 05/04/10

Motion: \_\_\_\_\_

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Shurtleff, Stephen J, Chairman	✓	
Pantelakos, Laura C, V Chairman		
Berube, Roger R	✓	
Robertson, Timothy N	✓	
Movsesian, Lori A	✓	
Burridge, Delmar D	✓	
Cushing, Robert R	✓	
Rodd, Beth	✓	
Chandley, Shannon E	✓	
McCarthy, Barbara A		
Ryder, Mark R		
Welch, David A	✓	
Charron, Gene P		
Fesh, Robert M		
Weare, Everett A	✓	
Stevens, Stanley E, Clerk	✓	
Villeneuve, Moe	✓	
Gagne, Larry G	✓	
Swinford, Elaine B	✓	
Willette, Robert F	✓	
	15	0
TOTAL VOTE:		

# Committee Report

**CONSENT CALENDAR**

**May 12, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred SB435,**

**AN ACT relative to the provision of caller locations in emergency situations. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Shannon E Chandley**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>CRIMINAL JUSTICE AND PUBLIC SAFETY</b>
Bill Number:	<b>SB435</b>
Title:	<b>relative to the provision of caller locations in emergency situations.</b>
Date:	<b>May 4, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

This bill allows law enforcement agencies, through the enhanced 911 statewide system, to obtain from wireless telecommunications carriers call location information from the device of a user in order for the law enforcement agency to respond to a call for emergency services, or to an emergency in which there is the risk of death or serious bodily injury. It further requires law enforcement to provide with its request information establishing that the call location information is necessary to respond to an emergency situation that involves the risk of death or serious bodily injury. SB 435 does not prohibit wireless telecommunications carriers from establishing their own protocols by which they may voluntarily disclose call location information, so long as there is no provision of law to the contrary. Finally, SB 435 offers protection to the wireless telecommunications carriers from action when they have acted in good faith in accordance with the provisions of SB 435. The committee worked with the sponsors and many stakeholders to craft a bill which enhances safety, encourages cooperation and not its privacy.

Vote 15-0.

Rep. Shannon E Chandley  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**SB435**, relative to the provision of caller locations in emergency situations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Shannon E Chandley for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. This bill allows law enforcement agencies, through the enhanced 911 statewide system, to obtain from wireless telecommunications carriers call location information from the device of a user in order for the law enforcement agency to respond to a call for emergency services, or to an emergency in which there is the risk of death or serious bodily injury. It further requires law enforcement to provide with its request information establishing that the call location information is necessary to respond to an emergency situation that involves the risk of death or serious bodily injury. SB 435 does not prohibit wireless telecommunications carriers from establishing their own protocols by which they may voluntarily disclose call location information, so long as there is no provision of law to the contrary. Finally, SB 435 offers protection to the wireless telecommunications carriers from action when they have acted in good faith in accordance with the provisions of SB 435. The committee worked with the sponsors and many stakeholders to craft a bill which enhances safety, encourages cooperation and not its privacy.

**Vote 15-0.**

Original: House Clerk  
Cc: Committee Bill File

**SB 435 relative to the provision of caller locations in emergency situations.**

**This bill allows law enforcement agencies, through the enhanced 911 statewide system, to obtain from wireless telecommunications carriers call location information from the device of a user in order for the law enforcement agency to respond to a call for emergency services, or to an emergency in which there is the risk of death or serious bodily injury. It further requires law enforcement to provide with its request information establishing that the call location information is necessary to respond to an emergency situation that involves the risk of death or serious bodily injury. SB 435 does not prohibit wireless telecommunications carriers from establishing their own protocols by which they may voluntarily disclose call location information, so long as there is no provision of law to the contrary. Finally, SB 435 offers protection to the wireless telecommunications carriers from action when they have acted in good faith in accordance with the provisions of SB 435. The committee worked with the sponsors and many stakeholders to craft a bill which enhances safety, encourages cooperation and not its privacy.**

**Rep. Shannon E. Chandley  
For the Committee  
15-0 CC OTP/A  
2010-1372h**



COMMITTEE REPORT

COMMITTEE: Criminal Justice and Public Safety

BILL NUMBER: SB 435

TITLE: Relative to the provision of caller locations in emergency situations

DATE: May 4, 2010 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. <u>2010-1327h</u>
------------------------------------

STATEMENT OF INTENT:

This bill allows law enforcement agencies through  
to <sup>obtain</sup> ~~request~~ from wireless telecommunications  
carriers call location information from  
the device of a user in order for the  
law enforcement agency to respond to a call  
for emergency services or to an emergency  
in which there is the risk of death or  
serious bodily injury. It further requires  
law enforcement to provide ~~the~~ with its request  
information establishing that the call location  
information is necessary to respond to an

The  
 substance  
 911  
 station  
 system

COMMITTEE VOTE: 15-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Shannon G. Chandler  
 For the Committee



Emergency situation that involves the risk of death or serious bodily injury. In addition SB 435, ~~which~~ <sup>does not</sup> prohibit wireless telecommunications carriers ~~from~~ <sup>from</sup> establishing their own protocols by which they may voluntarily disclose cell location information, so long as there is no provision of law to the contrary. Finally, SB 435 offers protection to the wireless telecommunications carriers from action when they have acted in good faith ~~and~~ in accordance with the provisions of SB 435. The committee ~~worked~~ worked with ~~the~~ <sup>the sponsors and many</sup> ~~members~~ of stakeholders to craft a bill which enhances safety ~~and~~ <sup>protecting</sup> privacy. Encourages cooperation and protects privacy.