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SENATE BILL 534

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO LAW ENFORCEMENT; REQUIRING WIRELESS
TELECOMMUNICATIONS PROVIDERS TO PROVIDE CALL LOCATION
INFORMATION TO LAW ENFORCEMENT AGENCIES IN AN EMERGENCY;
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] REQUIRING DISCLOSURE OF
INFORMATION--ESTABLISHMENT OF EMERGENCY SITUATION--PROVIDER
IMMUNITY--PROVIDER CONTACT INFORMATION.--

A. A wireless telecommunications provider shall
provide telecommunications device location information
concerning the telecommunications device of a user when
requested by a law enforcement agency for the purpose of
responding to a call for emergency services or in an emergency
situation that involves the risk of death or serious physical

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1 harm.

2 B. A law enforcement agency shall not request
3 information pursuant to this section for any purpose other than
4 responding to a call for emergency services or in an emergency
5 situation that involves the risk of death or serious physical
6 harm. A law enforcement agency shall not convey or disclose
7 the telecommunications device call location information to any
8 individual except as necessary for the purposes set forth in
9 Subsection A of this section.

10 C. Before requesting telecommunications device call
11 location information from a wireless telecommunications
12 provider, a law enforcement officer shall determine whether an
13 emergency exists requiring emergency services or involving the
14 risk of death or serious physical harm.

15 D. Unless a law enforcement officer determines that
16 the circumstances of a request for emergency response require
17 immediate action, the officer or other delegated agent within
18 the law enforcement agency shall check relevant available
19 databases before or concurrently with initiating the request
20 for telecommunications device call location information from a
21 wireless telecommunications provider. This action may include:

22 (1) checking the federal bureau of
23 investigation's national crime information center to identify
24 if the person initiating the request for emergency response has
25 a history of domestic violence or other criminal history,

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1 suggesting that the request may be pretextual; and

2 (2) checking with the secretary of state's
3 office to identify if the user for whom the call location
4 information is being requested is participating in the state
5 confidential address program.

6 E. No cause of action shall be brought in any court
7 against any wireless telecommunications provider, its officers,
8 employees, agents or other specified persons for providing
9 telecommunications device call location information when acting
10 in accordance with the provisions of this section.

11 F. All wireless telecommunications providers
12 registered to do business in this state, and all resellers of
13 wireless telecommunications services, shall submit twenty-four-
14 hour contact information to the department of public safety in
15 order to facilitate requests from a law enforcement agency for
16 call location information in accordance with this section,
17 which information shall be updated within forty-eight hours
18 whenever there is a change.

19 G. The department of public safety shall maintain a
20 database containing twenty-four-hour contact information for
21 all wireless telecommunications providers registered to do
22 business in this state and shall make that information
23 immediately available upon request to a law enforcement agency
24 to facilitate a response to a request for telecommunications
25 device call location information pursuant to this section.

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1 H. The department of public safety may promulgate
2 by rule criteria for fulfilling the requirements of this
3 section.

4 I. For the purposes of this section:

5 (1) "law enforcement agency" means a local or
6 state law enforcement agency, including a local police or
7 sheriff's department and the New Mexico state police;

8 (2) "law enforcement officer" means a
9 certified state or municipal police officer, county sheriff or
10 deputy sheriff;

11 (3) "telecommunications device" means a
12 telephone or other electronic device enabling communication
13 utilizing radio waves, light waves or other electromagnetic
14 means;

15 (4) "telecommunications device location
16 information" means information indicating the physical
17 geographical location of a telecommunications device;

18 (5) "wireless telecommunications provider"
19 means a telephone company, transmission company,
20 telecommunications common carrier, telecommunications company,
21 cellular or other wireless telecommunications service company
22 whose customers are permanently or temporarily located in this
23 state; and

24 (6) "wireless telecommunications service"
25 means the transmission of signs, signals, writings, images,

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1 sounds, messages, data or other information of any nature by
2 radio, lightwaves or other electromagnetic means.

3 SECTION 2. EMERGENCY.--It is necessary for the public
4 peace, health and safety that this act take effect immediately.