

HOUSE BILL No. 1013

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-2-146.5; IC 35-33-5-15.

Synopsis: Provision of geolocation information to law enforcement. Provides that, upon the request of a law enforcement agency, a provider of electronic communications services used by an electronic device is required to provide geolocation information concerning the electronic device to the law enforcement agency: (1) to allow the law enforcement agency to respond to a call for emergency services; or (2) in an emergency situation that involves the risk of death or serious bodily injury to an individual. Specifies that a law enforcement agency may make a request for geolocation information without first obtaining a search warrant or another judicial order that would otherwise be required to obtain the geolocation information. Requires a provider of electronic communications services used by electronic devices to submit the provider's emergency contact information to the state police department for placement in a data base to facilitate requests for geolocation information made by law enforcement agencies.

Effective: Upon passage.

Koch

January 5, 2016, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1013

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-2-146.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 146.5. IC 35-33-5-15(d)**
4 **(Concerning the provision of geolocation information to a law**
5 **enforcement agency by a provider of electronic communications**
6 **services).**

7 SECTION 2. IC 35-33-5-15 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: **Sec. 15. (a) As used in this section, "geolocation**
10 **information" means data generated by an electronic device that**
11 **can be used to determine the location of the electronic device or the**
12 **owner or user of the electronic device. The term:**

- 13 (1) includes geolocation information generated by a:
14 (A) cellular telephone;
15 (B) wireless fidelity (wi-fi) equipped computer;
16 (C) GPS navigation or tracking unit; or
17 (D) similar electronic device; and



- 1 (2) does not include the contents of a communication sent or
2 received by an electronic device.
- 3 (b) Upon the request of a law enforcement agency, a provider of
4 electronic communications services used by an electronic device
5 shall provide geolocation information concerning the electronic
6 device or the owner or user of the electronic device to the law
7 enforcement agency:
- 8 (1) to allow a law enforcement agency to respond to a call for
9 emergency services; or
- 10 (2) in an emergency situation that involves the risk of:
- 11 (A) death; or
- 12 (B) serious bodily injury;
- 13 to the owner or user or another individual.
- 14 A law enforcement agency may make a request for geolocation
15 information under this subsection without first obtaining a search
16 warrant or another judicial order that would otherwise be
17 required to obtain the geolocation information.
- 18 (c) Notwithstanding any other law, a provider of electronic
19 communications services may establish protocols to respond to a
20 law enforcement agency request for geolocation information made
21 under this section.
- 22 (d) A provider of electronic communications services or an
23 officer, an employee, or an agent of a provider of electronic
24 communications services that provides geolocation information to
25 a law enforcement agency while responding to a request for the
26 geolocation information made under this section is not liable for
27 civil damages arising from the provision of the geolocation
28 information if the provision of the information is done in
29 compliance with this section.
- 30 (e) A provider of electronic communications services used by an
31 electronic device that is qualified or registered to do business in
32 Indiana and a person that resells or otherwise makes available the
33 electronic communications services of the provider in Indiana shall
34 submit emergency contact information to the state police
35 department to facilitate a request for geolocation information
36 made by a law enforcement agency under this section. The
37 emergency contact information must be submitted to the state
38 police department:
- 39 (1) before January 1, 2017, and before January 1 of each year
40 thereafter; and
- 41 (2) as soon as possible any time a change occurs to the
42 emergency contact information most recently submitted to the



1 state police department.
2 **(f) The state police department shall:**
3 **(1) maintain a data base that contains emergency contact**
4 **information submitted to the state police department under**
5 **subsection (e); and**
6 **(2) make the information immediately available to a law**
7 **enforcement agency at the request of the law enforcement**
8 **agency.**
9 **(g) The superintendent of the state police department shall**
10 **adopt rules under IC 4-22-2 necessary to implement this section.**
11 **The initial rules adopted by the superintendent under this**
12 **subsection must be adopted before January 1, 2017.**
13 **SECTION 3. An emergency is declared for this act.**

