

1 HB5
2 178074-2
3 By Representative Hanes
4 RFD: Public Safety and Homeland Security
5 First Read: 07-FEB-17
6 PFD: 10/13/2016

1 emergency services or in an emergency situation that involves
2 the risk or threat of death or serious physical harm.

3 (d) A wireless communications service provider may
4 establish protocols by which the carrier voluntarily discloses
5 call location information.

6 (e) A wireless communications service provider, or
7 any employee thereof, that provides information regarding call
8 location information is immune from civil and criminal
9 liability if acting in a reasonable manner and pursuant to
10 this section.

11 (f) Pursuant to this section or as authorized by
12 Section 15-5-40, Code of Alabama 1975, a law enforcement
13 officer, while located in the State of Alabama may monitor or
14 obtain the location information of a device from a wireless
15 communications provider no matter the location of the device,
16 even if such device is transported throughout or outside of
17 the State of Alabama, subject to any limitation or prohibition
18 provided by federal law.

19 (g) The Alabama State Law Enforcement Agency shall
20 obtain contact information from all wireless service providers
21 authorized to do business in this state to facilitate a
22 request from a law enforcement agency for call location
23 information under this section. The Alabama State Law
24 Enforcement Agency shall disseminate the contact information
25 to each state and local law enforcement agency in this state.

26 (h) The provisions of 18 U.S.C. §2707, as adopted by
27 Section 15-5-40, Code of Alabama 1975, may be applicable to

1 this section as the person making the request, in addition to
2 any other appropriate law or rule.

3 (i) All such requests pursuant to this section shall
4 either be in writing and signed by the requesting law
5 enforcement officer, or, if made orally, the request shall be
6 documented at the earliest possible time thereafter and signed
7 by the requesting law enforcement officer. The original
8 request or documented request, or a copy thereof, shall be
9 retained by the custodian of records for the law enforcement
10 agency where the requesting law enforcement officer is
11 employed. The documentation shall not be destroyed and shall
12 be held as a permanent record. The open records requirements
13 of Section 36-12-40, Code of Alabama 1975, shall apply only to
14 the name of the law enforcement officer making the request and
15 the date the request was made, and only after the conclusion
16 of the criminal investigation or criminal prosecution. All
17 requests retained pursuant to this section shall be available
18 to the Attorney General, the Secretary of the Alabama State
19 Law Enforcement Agency, or the local district attorney at any
20 time.

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 07-FEB-17

Read for the second time and placed
on the calendar..... 16-FEB-17

Read for the third time and passed
as amended..... 02-MAR-17

Yeas 95, Nays 0, Abstains 1

Jeff Woodard
Clerk