

A. Cory Maloy proposes the following substitute bill:

**Access to Communication Device Location Information Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: A. Cory Maloy**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This bill concerns access to communication device location information.

**Highlighted Provisions:**

This bill:

- defines terms and modifies definitions;
- provides that a mobile telecommunications service shall provide communication device location information as quickly as possible under certain circumstances;
- adds certain law enforcement warrants that are prioritized as urgent regarding a missing individual in danger to the list of circumstances under which a mobile telecommunications service shall provide communication device location information as quickly as possible;
- requires, if a mobile telecommunications service establishes procedures for providing communication device location information, a method for a law enforcement agency to identify different types of requested information; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-10-104.5**, as last amended by Laws of Utah 2022, Chapter 430

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53-10-104.5** is amended to read:

29           **53-10-104.5 . Wireless service -- Communication device location information in**  
30 **emergencies and certain urgent situations.**

31 (1) As used in this section:

32       (a) [~~CaH~~] "Communication device" means the same as that term is defined in Section  
33       76-8-311.3.

34       (b)(i) "Communication device data" means information obtained from the available  
35       records or other network data concerning a specific communication device that  
36       may help to reveal the location of the communication device.

37       (ii) "Communication device data" includes, if the data will help to reveal the location  
38       of a specific communication device:

39           (A) call logs;

40           (B) GPS tracking data;

41           (C) application data;

42           (D) browser history;

43           (E) email records;

44           (F) photos and videos;

45           (G) SMS and MMS messages; and

46           (H) contact details.

47       (c)(i) "Communication device location information" means the best available location  
48       information, including information obtained by use of historical cellular site  
49       information or a mobile locator tool for a communication device or a  
50       telecommunication device.

51       (ii) "Communication device location information" includes communication device  
52       data.

53       [~~(b)~~] (d) "Law enforcement agency" or "agency" has the same definition as in Section  
54       53-1-102.

55       [~~(e)~~] (e) "Mobile telecommunications service" has the same definition as in Section  
56       54-8b-2.

57       (f) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.

58       [~~(f)~~] (g) "Telecommunication device" has the same definition as in Section 76-6-409.5.

59 (2) A mobile telecommunications service shall provide [~~eaH~~] communication device  
60 location information as quickly as possible regarding a telecommunication device user  
61 or a communication device user whom a law enforcement agency:

62       (a) has reason to believe is in need of services under Subsection [~~(2)(a) or (b)~~] (2)(a)(i)

63 or (ii), upon the request of a law enforcement agency or a public safety  
 64 communications center if the agency or center determines the communication device  
 65 location information is necessary in order to respond to:

66 [(a)] (i) a call for emergency response services; or

67 [(b)] (ii) an emergency situation that involves the imminent risk of death or serious  
 68 bodily injury[~~as defined in Section 76-1-101.5.~~] ; or

69 (b) has a warrant for the communication device location information for the  
 70 telecommunication device user or communication device user who is missing, if the  
 71 law enforcement agency has prioritized the warrant as urgent based on the law  
 72 enforcement agency's determination that the user may be in danger of physical harm.

73 (3)(a) The mobile telecommunications service may establish procedures in accordance  
 74 with 18 U.S.C. Sec. 2702(b)(8) for [~~its voluntary response~~] the mobile  
 75 telecommunications service's response to a request for location under Subsection (2).

76 (b) If a mobile telecommunications service establishes procedures under Subsection  
 77 (3)(a), the procedures shall include a method for a law enforcement agency to  
 78 identify a situation under Subsection (2)(a) and a prioritized warrant described in  
 79 Subsection (2)(b).

80 (4) ~~Ĥ~~ → [(a)] ← ~~Ĥ~~ A mobile telecommunications service that, acting in good faith,  
 80a provides  
 81 information as requested under Subsection (2) may not be held civilly liable for  
 82 providing the information.

83 ~~Ĥ~~ → [(b)] **A mobile telecommunications service is not required to provide information**  
 83a **under** ← ~~Ĥ~~

84 ~~Ĥ~~ → [~~this section that would be in violation of federal or state law.~~] ← ~~Ĥ~~

85 (5)(a) The division shall obtain contact information from all mobile telecommunication  
 86 service providers that provide services in this state to facilitate communicating  
 87 location requests under Subsection (2).

88 (b) The division shall provide the contact information to all public safety  
 89 communications centers in the state and shall provide updates to the contact  
 90 information.

91 Section 2. **Effective Date.**

92 This bill takes effect on May 7, 2025.