

HB0366S02 compared with HB0366S01

~~{Omitted text}~~ shows text that was in HB0366S01 but was omitted in HB0366S02
inserted text shows text that was not in HB0366S01 but was inserted into HB0366S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 Access to Communication Device Location Information Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill concerns access to communication device location information.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms and modifies definitions;
- 9 ▶ provides that a mobile telecommunications service shall provide communication device location information as quickly as possible under certain circumstances;
- 11 ▶ adds certain law enforcement ~~{requests}~~ 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;
- 15 ▶ 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
- 18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

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20 None

21 **Other Special Clauses:**

22 None

24 AMENDS:

25 **53-10-104.5**, as last amended by Laws of Utah 2022, Chapter 430, as last amended by Laws of
Utah 2022, Chapter 430

26

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

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

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

31 (1) As used in this section:

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

34 (b)

(i) "Communication device data" means information obtained from the available records or other
network data concerning a specific communication device that 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 of a specific
communication device:**

38 (A) call logs;

39 (B) GPS tracking data;

40 (C) application data;

41 (D) browser history;

42 (E) email records;

43 (F) photos and videos;

44 (G) SMS and MMS messages; and

45 (H) contact details.

46 (c)

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

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- 50 (ii) "Communication device location information" includes communication device data.
- 52 ~~[(b)]~~ (d) "Law enforcement agency" or "agency" has the same definition as in Section 53-1-102.
- 54 ~~[(e)]~~ (e) "Mobile telecommunications service" has the same definition as in Section 54-8b-2.
- 56 (f) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
- 57 ~~[(d)]~~ (g) "Telecommunication device" has the same definition as in Section 76-6-409.5.
- 58 (2) A mobile telecommunications service shall provide ~~[eaf]~~ communication device location information as quickly as possible regarding a telecommunication device user 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)]~~ (2)(a)(i) or (ii) ~~{, }~~ , (b), or (c), upon the request of a law enforcement agency or a public safety communications center if the agency or center determines the communication device location information is necessary in order to respond to:
- 65 ~~[(a)]~~ (i) a call for emergency response services; ~~{ f or }~~
- 66 ~~[(b)]~~ (ii) an emergency situation that involves the imminent risk of death or serious bodily injury ~~[as defined in Section 76-1-101.5.] ; or~~
- 68 ~~[(c)]~~ (b) { a request from } has a { law enforcement agency } warrant for the communication device location information { of an individual } for the telecommunication device user or communication device user who is missing, if the law enforcement agency has prioritized the { request } warrant as urgent based on the law enforcement agency's determination that the { individual } user may be in danger of physical harm.
- 72 (3)
- (a) The mobile telecommunications service may establish procedures in accordance with 18 U.S.C. Sec. 2702(b)(8) for ~~[its voluntary response]~~ the mobile telecommunications service's response to a request for location under Subsection (2).
- 75 (b) If a mobile telecommunications service establishes procedures under Subsection (3)(a), the procedures shall include a method for a law enforcement agency to identify a situation under Subsection (2)(a) { or (b) } and a prioritized { urgent request } warrant described in Subsection { (2) (e) } (2)(b).
- 79 (4)
- (a) A mobile telecommunications service that, acting in good faith, provides information as requested under Subsection (2) may not be held civilly liable for providing the information.

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83 (b) A mobile telecommunications service is not required to provide information under this section that
would be in violation of federal or state law.

82 (5)

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

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

91 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

2-18-25 7:50 AM