

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

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 requests 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

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) [~~Call~~] "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:

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
 47 information, including information obtained by use of historical cellular site
 48 information or a mobile locator tool for a communication device or a
 49 telecommunication device.

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

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

54 ~~(c)~~ (e) "Mobile telecommunications service" has the same definition as in Section
 55 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 ~~call~~ communication device
 59 location information as quickly as possible regarding a telecommunication device user
 60 or a communication device user whom a law enforcement agency has reason to believe
 61 is in need of services under Subsection (2)(a) ~~or (b);~~ , (b), or (c), upon the request of a
 62 law enforcement agency or a public safety communications center if the agency or

63 center determines the communication device location information is necessary in order
64 to respond to:

65 (a) a call for emergency response services; ~~[-or]~~

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

68 (c) a request from a law enforcement agency for the communication device location
69 information of an individual who is missing, if the law enforcement agency has
70 prioritized the request as urgent based on the law enforcement agency's determination
71 that the individual may be in danger of physical harm.

72 (3)(a) The mobile telecommunications service may establish procedures for [its
73 ~~voluntary response]~~ the mobile telecommunications service's response to a request for
74 location under Subsection (2).

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

79 (4) A mobile telecommunications service that, acting in good faith, provides information as
80 requested under Subsection (2) may not be held civilly liable for providing the
81 information.

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

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

88 Section 2. **Effective Date.**

89 This bill takes effect on May 7, 2025.