Ohio Legislative Service Commission

Bill Analysis

Andrea Holmes

S.B. 5

130th General Assembly
(As Reported by S. Public Safety, Local Government and Veterans Affairs)

Sens. Brown and Manning, Schiavoni, Seitz, Kearney, Sawyer, LaRose, Hite, Bacon, Jones, Tavares, Turner, Smith, Uecker, Lehner, Coley, Beagle, Eklund, Patton, Balderson, Widener, Faber, Obhof

BILL SUMMARY

- Requires wireless service providers to provide device location information to law enforcement officers or agencies in certain emergency situations.
- Authorizes wireless service providers to establish protocols for the voluntary disclosure of device location information.
- Provides that no cause of action may arise in any court of this state against a wireless service provider, its officers and employees, or other specified persons for providing information to assist law enforcement officers or agencies acting in good faith.

CONTENT AND OPERATION

Operation of the bill

The bill requires a wireless service provider, on request, to provide device location information to a law enforcement officer or agency concerning a user of a wireless service device in the following circumstances:[1]

(1) In an emergency situation to enable the officer or agency to respond to a call for emergency service by a subscriber, customer, or user of wireless service;

[1] R.C. 4927.26.

(2) In an emergency situation that the officer or agency reasonably believes involves imminent danger of death or serious physical injury to any person, where disclosure of communications relating to the emergency is required without delay.

Notwithstanding any other provision of law, a wireless service provider may establish protocols for the voluntary disclosure of device location information.[2] The bill prohibits any cause of action from arising in any court of this state against a wireless service provider, or its officers, employees, agents, or other specified persons, for providing any information, facilities, or assistance to a law enforcement officer or agency acting in good faith in accordance with the provisions of this bill.[3]

Definitions

As used in the bill:[4]

"***Device location information***" means information indicating the geographical location of a wireless service device.

"***Law enforcement agency***" means an organization or unit made up of law enforcement officers.

"***Law enforcement officer***" means any of the following:[5]

(1) A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority, or state highway patrol trooper;

(2) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(3) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;

---

[2] R.C. 4927.27.

[3] R.C. 4927.28.

[4] R.C. 4927.25.

[5] R.C. 4927.25, by reference to R.C. 2901.01(A)(11) (not in the bill).

(4) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;

(5) A person lawfully called to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(6) A person appointed by a mayor as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(7) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(8) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(9) A veterans' home police officer;

(10) A member of a police force employed by a regional transit authority;

(11) A special police officer employed by a port authority;

(12) The House of Representatives Sergeant at Arms if the House of Representatives Sergeant at Arms has arrest authority and an Assistant House of Representatives Sergeant at Arms;

(13) The Senate Sergeant at Arms and an Assistant Senate Sergeant at Arms;

(14) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations and that is required to be under a security program and is governed by aviation security rules of the Transportation Security Administration of the United States Department of Transportation.

HISTORY

ACTION	DATE
Introduced	02-12-13
Reported, S. Public Safety, Local Gov't & Veterans Affairs	03-21-13

s0005-rs-130.docx/ks