



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: Am. Sub. S.B. 5 of the 130th G.A.

Date: October 11, 2013

Status: As Re-referred to House Judiciary

Sponsor: Sens. Brown and Manning

Local Impact Statement Procedure Required: No

Contents: Requires wireless service providers to provide device location information to law enforcement officers or agencies in certain emergency situations under certain conditions

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.
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Detailed Fiscal Analysis

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. 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;
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.

S.B. 5 prevents a law enforcement officer or agency from requesting device location information from a wireless service provider without first obtaining a search warrant pursuant to Criminal Rule 41. However, an exception exists to this search warrant requirement. In the case of an emergency situation that a law enforcement officer or agency reasonably believes involves imminent danger of death or serious physical injury to any person, the officer or agency must inform the wireless service provider that an emergency situation exists and that the request for device location information is being made due to the emergency situation.

The bill also prohibits any cause of action from arising in any court of this state against a wireless service provider, or its officers, employees, or agents, for providing device location information to a law enforcement officer or agency if the wireless service provider, or its officers, employees, or agents provide the information in direct response to a specific request by a law enforcement officer or agency that has determined it is necessary to facilitate law enforcement operations arising from an emergency situation that meets the criteria specified in the bill. The specified immunity only extends to the circumstances identified in the bill.

The bill's provisions do not have a fiscal effect on the state or on its political subdivisions.

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