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Judiciary Committee



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 22, 2022

The Honorable Delegate Luke Clippinger
Chairman of the House Judiciary Committee
6 Bladen Street, Room 101
Annapolis, Maryland 21401

House Bill 1053

Good afternoon, Chair Clippinger, Vice-Chair Moon, and members of the House Judiciary Committee. I am Delegate Nicole Williams of District 22, and I will be testifying today in favor of House Bill 1053 also known as the Kelsey Smith Act of Maryland.

As many may know in August 2020, my good friend Joseph Lynn Kitchen was found dead after being reported missing for eight days before he was found. Joseph was from Fresno, California and moved to the DMV area to continue his higher education and pursue his dream job of teaching. He embraced Maryland as his other home, but made it very clear that California was truly home. Since he did not have any family here, he kept in close contact with his family in California, always keeping his cellphone on his person. In fact, he was an Apple person, and would have his iPhone, iPad, MacBook and Apple Watch on him most of the time. So when hours passed, and then a day where nobody had heard from Joseph, his friends and family grew concerned.

We contacted local law enforcement and filed a missing persons report. We provided the police with all of the information that we had regarding Joseph's last known location. Law enforcement went through all of the proper legal channels to obtain a warrant to try and ping his phone for an approximate location. Unfortunately, by the time law enforcement obtained the information, Mr. Kitchen's phone was dead and law enforcement was unable to ping the device.

The Kelsey Smith Act is named after Kelsey Smith, a young woman who was kidnapped, sexually assaulted, and murdered in 2007. She had a cell phone, but law enforcement was unable to obtain her cell phone's location from the telecommunications service provider until more than 3 days had gone by. Her family has since established a foundation in her name and have worked to enact legislation in 30 states with bipartisan support, including Washington, New Jersey, Pennsylvania, and Hawaii, just to name a few. The goal is to ensure that this does not occur again and that another parent will have to experience the pain and suffering that they endured with the loss of their daughter, Kelsey.

This bill is seeking to only obtain the physical location of the cell phone and have that information be available only to law enforcement. We have spoken with a number of the advocates and are putting forth some amendments to address some of the concerns raised by the ACLU.

For these reasons, I urge this committee to give a favorable report on House Bill 1053.

Sincerely,

A handwritten signature in cursive script that reads "Nicole A. Williams, Esq." The signature is written in black ink and is positioned below the word "Sincerely,".

Delegate Nicole A. Williams, Esq.