

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Judicial Proceedings Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 402
Annapolis, Maryland 21401
410-841-3673 · 301-858-3673
800-492-7122 Ext. 3673
Jack.Bailey@senate.state.md.us

District Office
Dorsey Professional Park
23680 Three Notch Road, Unit 101
Hollywood, Maryland 20636
240-309-4238

April 5, 2022

Senate Bill 517 – Criminal Procedure – Location Information (Kelsey Smith Act for Maryland)

Dear Chairman Clippinger and Members of the Committee,

I am writing to introduce Senate Bill 517 – Criminal Procedure – Location Information (Kelsey Smith Act for Maryland). This bill would require that service providers of electronic devices cooperate with law enforcement and public safety agencies by providing the location information of an electronic device if requested when a person is reported missing.

The purpose of this bill is to save the lives of missing persons. When first responders are looking for a missing person, minutes and seconds matter to find that person while they are still alive. Senate Bill 517 is based on legislation that has passed in 30 other states. This legislation is necessary because, currently in Maryland, service providers can take hours and sometimes days to respond to requests from law enforcement.

The Kelsey Smith Act is named after a young woman who was abducted in broad daylight from a Target store in Overland, Kansas in June of 2007. About three hours after she was abducted, her car was found in the Target parking lot, and her family and friends as well as the police began to search for her. An hour after Kelsey was kidnapped, a signal from her cell phone was picked up. When law enforcement officials asked her cell phone carrier for the “ping” records which would have pinpointed her location, the carrier did not provide those records for over three days. When the carrier did turn over the records, it took authorities 45 minutes to locate Kelsey’s body. She had been raped and murdered.

Law enforcement officers are currently able to obtain this information in exigent circumstances, but it can take hours to days as the law does not require service providers to comply. The bill limits agencies requesting location information to a maximum of 48 hours, and provides that a person who complies with this law cannot be held civilly liable.

Senate Bill 517 was substantially amended in the Senate to address privacy concerns. The provisions of the bill now only apply to a person who has been reported missing and include safeguards to prohibit law enforcement officers from obtaining this location information if a person has not been reported missing. The Senate amendments remove all references to exigent circumstances, provide that the person is notified about the request, and add reporting requirements. With these amendments, this bill passed the Senate 46-0.

I respectfully request a favorable report on Senate Bill 517. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey