

NICOLE A. WILLIAMS, ESQ.
Legislative District 22
Prince George's County

DEPUTY MAJORITY WHIP

Judiciary Committee

Chair, Public Safety Subcommittee

Vice Chair, Prince George's
County House Delegation



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 21, 2023

The Honorable Delegate Luke Clippinger

Chairman of the House Judiciary Committee

6 Bladen Street, Room 101

Annapolis, Maryland 21401

House Bill 0533

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 0533, also known as the Kelsey Smith Act of Maryland, a bill that I sponsored and am reintroducing on the floor from the last session.

As many may know, in August 2020, my good friend Joseph Lynn Kitchen was found dead after being reported missing for eight days. He is from California but came to Maryland for higher education. He kept in daily contact with his family in California, always keeping his cell phone on his person. When nobody heard from Joseph for a day, his friends and family grew concerned. We contacted local law enforcement, filed a missing person report, and provided the police with all of our current information regarding Joseph's last known location. Law enforcement went through all of the proper legal channels to obtain a warrant and tried to ping his phone for an approximate location. Unfortunately, by the time law enforcement obtained the warrant, Mr. Kitchen's phone was dead, and they could not ping his device.

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Some people are still [missing to this day](#) around the country that would have benefitted from such legislation. A woman in Florida named Rachel Yates went missing almost two decades ago when she borrowed a co-worker's car to go to a party in Delton, FL, a city about 23 miles away from her town of Winter Springs. While in Delton, an incident occurred where Rachel ended up being chased, on foot, by members of the party. By the time law enforcement tracked her phone and her call log, they noticed that her phone was undetectable after a certain period and they needed special permission to follow her exact location using her cell phone. Due to the judge's decision to deny law enforcement this special permission, Rachel Yates has been missing now for about 17 years. If there had been permission to track location only in the cases of emergencies such as missing, injured, or dead persons, then she would have had a greater chance of being found by now.

The Kelsey Smith Act gets its name after Kelsey Smith, a young woman that was kidnapped, sexually assaulted, and murdered in 2007. She had a cell phone, but law enforcement could not obtain her cell phone's location from the telecommunications service provider until over three days had passed, at which point it was too late to save her. Kelsey's family has since established a foundation in her name and has worked to enact legislation in 30 states with bipartisan support, including New Jersey, Pennsylvania, and Hawaii, just to name a few. The goal of this legislation is to ensure that other families will never experience the pain and suffering that Kelsey's family went through. This bill seeks to obtain just the physical location of the cell phone, and allows that information to be available only to law enforcement within 48 hours, so it is a limited exception that protects individual privacy and the privacy of the telecommunications company. We have spoken with several advocates since last year. Since then, we incorporated some amendments that address some of the concerns raised in the past.

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For these reasons, I urge this committee to give a favorable report on House Bill 0533.

Sincerely,

Nicole A. Williams, Esq.

Delegate Nicole A. Williams, Esq.