SB2247 SD1

Measure Title: RELATING TO PUBLIC SAFETY.

Report Title: Commercial Mobile Radio Service Providers; Public Safety Agencies; Call Location Information; Emergencies

Description: Requires commercial mobile radio service providers to provide call location information upon request by public safety agencies responding to emergencies. Provides immunity from liability for commercial mobile radio service providers, its representatives, and public safety answering points for providing call information in good faith. (SD1)

Companion:

Package: None

Current Referral: PGM, CPN

Introducer(s): ESPERO, KIDANI, NISHIHARA, RYAN, Fukunaga, Gabbard

Sort by Date		Status Text
1/20/2012	S	Introduced.
1/23/2012	S	Passed First Reading.
1/23/2012	S	Referred to PGM, CPN.
1/23/2012	S	The committee(s) on PGM has scheduled a public hearing on 01-26-12 2:50PM in conference room 224.
1/26/2012	S	The committee(s) on PGM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in PGM were as follows: 5 Aye(s): Senator(s) Espero, Kidani, Baker, Ryan, Slom; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.
1/31/2012	S	Reported from PGM (Stand. Com. Rep. No. 2005) with recommendation of passage on Second Reading, as amended (SD 1) and referral to CPN.
1/31/2012	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to CPN.
2/21/2012	S	The committee(s) on CPN will hold a public decision making on 02-28-12 10:00AM in conference room 229.

THE HONORABLE ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai'i

February 28, 2012

RE: S.B. 2247, S.D. 1; RELATING TO PUBLIC SAFETY.

Chair Baker, Vice Chair Taniguchi and members of the Senate Committee on Commerce and Consumer Protection, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony supporting the intent of, and suggesting amendments to, Senate Bill 2247, S.D. 1.

The Department agrees with the intent of S.B. 2247, S.D. 1, to the extent it recognizes a current shortcoming in our laws. Even now, local law enforcement officers regularly contact our Department to inquire about the ability of electronic communication service providers to "ping" a particular handheld electronic device--to obtain real-time location information for that device--in emergency situations. However, State law specifically prohibits providers from doing this (see HRS §803-42(b)(10)), leaving law enforcement without an important tool that could save lives.

Rather than requiring providers to provide information to law enforcement agencies-- which may conflict with their federal directives--we recommend that an additional exception be added to HRS §803-42(b)(11), to explicitly allow providers to disclose that information. It is our understanding that federal law already contains such an exception, commonly referred to as the "exigency provision." See 18 U.S.C. 2702(b)(8), which allows disclosure: "to a governmental entity, if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of communications relating to the emergency."

It is our understanding that providers already utilize the federal exigency provision to disclose relevant information to federal law enforcement agencies, and we have no reason to believe providers would do any less for State law enforcement, if afforded the safeguards of a

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State exigency provision. The only changes that we would suggest--to make the exigency provision more relevant to our State's needs and existing legal terminology--would be to narrow the term "governmental entity" to "law enforcement agency," and change the term "serious physical injury" to "serious bodily injury."

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent of S.B. 2247, S.D. 1, and proposes the amendments noted above. Thank for you the opportunity to testify on this matter.

O C E A N I C
TIME WARNER
C A B L E

Honorable Rosalyn Baker, Chair
Senate Committee on Commerce and Consumer Protection
Hawaii State Capitol
Honolulu, HI 96813

RE: SB 2247 SD1 – Relating to Public Safety – Support with amendment
      February 28, 2012, 10:00 AM, Hawaii State Capitol Room 229

Aloha Chair Baker, Vice Chair Taniguchi and members of the committee,

As a communication service provider that participates in connection with the release of customer information to any governmental entity, including any public safety answering point, as required under Hawaii's Enhanced 911 service, we support the intent of this bill. However, we would respectfully request an amendment to clarify language in the bill, which, if unamended, may result in unintended consequences.

We offer the following changes to avoid potential problems:

1. We suggest that the words "call for" on page 1, line 11 be changed to "call requesting;" and
2. We also request that the words "or to an emergency situation" on line 12 of Page 1 be changed to "or identify the location of an emergency situation."

Thank you for the opportunity to provide input on this matter. We appreciate your committee's consideration of this request.

Sincerely,

Kiman Wong
General Manager
Oceanic Time Warner Cable Digital Phone

Testimony for S. B. 2247

As the Communications Supervisor for Honolulu Emergency Medical Services, I fully support SB 2247, requiring a communications service provider to provide call location information to the public safety agency or public safety answering point. If the person calling 9-1-1 for help is unable to provide his or her location of the emergency, the enhanced 9-1-1 information supplied by the communications service provider directs emergency responders to the site.

The EMS public safety answering point fields over 78,000 calls per year for medical assistance. We are faced with life and death calls multiple times a day. Most of the callers are able to provide their location information. Unfortunately, the callers that is not able to provide their location information generally have the most life threatening circumstances: an abused or robbery victim hiding or being pursued; a tourist who's loved one collapsed; or a child who's parent is in a diabetic coma.

EMS received a call from a man who was experiencing an evolving stroke, and his symptoms worsening every moment. He called 9-1-1, told the Emergency Medical Dispatcher (EMD) he was having a stroke, and provided his address. He called from a cell phone as he was fading rapidly, and the EMD was unable to verify his location.

When EMS got to the scene they discovered an apartment complex, with no apartment number. First responders went door to door to find the patient. EMDs made multiple and unsuccessful attempts to call him back.

Our 9-1-1 caller may have been affected by the part of the brain that is responsible for taking thoughts and transforming them into speech. Victims of this type of stroke report that they knew what they wanted to say but were unable to put it into words.

This was a graphic example of how the public would benefit from the "information indicating the geographical location of a telecommunications device or from which the location can be determined." As a matter of quality emergency medical care, I support SB 2247 and ask that you do, also.

Thank you,
Diana P. Chun
Communications Center Supervisor
City & County of Honolulu EMS
3375 Koapaka St. H-450
Honolulu, Hi. 96719

Testimony for CPN 2/28/2012 10:00:00 AM SB2247

Conference room: 229
Testifier position: Support
Testifier will be present: No
Submitted by: Brenda Kosky
Organization: Individual
E-mail: Brenda.Kosky@gmail.com
Submitted on: 2/27/2012

Comments: