

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on March 12, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes
Melissa Doeblin, Office of the Revisor of Statutes
Cindy Lash, Kansas Legislative Research Department
Ann McMorris, Committee Assistant

Conferees appearing before the Committee:

Greg & Missy Smith, Overland Park
Erik Sartorius, Overland Park
Bob Keller, Johnson County Sheriff Office
Moji Fanumokun, League of Kansas Municipalities
Rob Olson, Representative
Dina Fisk, Verizon
Ron Gaches, Sprint
Mike Hutfles, Rural Independent Telephone

Others attending:

See attached list.

Chair opened the hearing on:

HB 2115 - Repealing K.S.A. 21-4211, criminal penalty for refusing access to a telephone line for emergency purposes.

Proponents

Mike Hutfles, Rural Independent Telephone Companies, explained that **HB 2115** repealed the current law regarding multi-party lines as the last multi-party line in Kansas was converted in the mid-90's so the statute is no longer needed. (Attachment 1)

Chair closed the hearing on **HB 2115**.

Chair opened the hearing on:

HB 2126 - Requiring telecommunications providers to provide call location information in emergency situations.

Melissa Doeblin, office of Revisor of Statutes, explained **HB 2126**. Committee requested more information on federal laws on court order requirement.

Proponents

Greg Smith, father of Kelsey Smith, explained their experience in trying to get information from Verizon when their daughter was reported missing. (Attachment 2)

Missy Smith, mother of Kelsey Smith, detailed all the efforts they made in attempting to locate their daughter and the lack of response when they contacted Verizon to request information on calls made by Kelsey on her cell phone. (Attachment 3)

Rob Olson, Kansas House of Representatives, who introduced **HB 2126**, noted that this is a law which needed to be changed in order to save lives. This gives law enforcement agencies another tool in their investigations. (Attachment 4)

Moji Fanimokun, staff attorney, League of Kansas Municipalities, testified LKM supports **HB 2126** and believes it balances the need for privacy with the important need for location disclosure by telecommunications companies in emergency situations. (Attachment 5)

CONTINUATION SHEET

Minutes of the Senate Utilities Committee at 1:30 p.m. on March 12, 2009, in Room 545-N of the Capitol.

Ron Gaches, Sprint, spoke on behalf of Sprint in favor of HB 2126. (Attachment 6)

Dina Fisk, Verizon, spoke in support of HB 2126 on behalf of Verizon who believes that this legislation is important to the law enforcement community and provides a valuable resource in times of emergencies. (Attachment 7)

Erik Sartorius, City of Overland Park, presented testimony for City of Overland Park in support of HB 2126. (Attachment 8)

Considerable discussion concerning the language in HB 2126. General consensus there were areas in the bill that needed clarification and amendments should be introduced. Committee questioned how many states have this type of law and whether a resolution should be introduced urging all states to adopt this legislation.

Request was made for more information on how the 911 call regarding Kelsey Smith was handled by the Overland Park law enforcement agency. Mr. Sartorius agreed to provide this information.

Due to the lack of time, the Chair continued the hearing on HB 2126 to the March 16, 2009 meeting of the Senate Utilities Committee.

The next meeting is scheduled for March 16, 2009.

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Ann McMorris
Committee Assistant

Attachments - 8

GUEST LIST
SENATE UTILITIES COMMITTEE
MARCH 12, 2009

NAME

COMPANY

Dina Fisk

VERIZON

Zob Olson

State Rep

Sherrylene Jones-Sontag

AAMS

Greg & Missey Smith

Derek Helm

Wah Law Firm

Moji Fanimokun

LKM

ERIK SARTORIUS

City of Overland Park

ROB MENCH

KEAUNEY & ASSOC

DAN JACOBSEN

AT&T

Tom Gaches

Sprint

David Klepp

KCC STAR

Tom Thompson

Serra Club

Blue Valley Telephone Company
Home

Bluestem Telephone Company
Dodge City

Columbus Telephone Company

Craw-Kan Telephone Coop., Inc.
Girard

Cunningham Telephone Company, Inc.
Glen Elder

Elkhart Telephone

Golden Belt Telephone Assn., Inc.
Rush Center

Gorham Telephone Company

H&B Communications, Inc.
Holyrood

Haviland Telephone Company, Inc.

Home Telephone Company, Inc.
Galva

JBN Telephone Company, Inc.
Wetmore

KanOkla Telephone Assn., Inc.
Caldwell

LaHarpe Telephone Company, Inc.

Madison Telephone Company, Inc.

MoKan Dial, Inc.
Louisburg

Mutual Telephone Company
Little River

Peoples Mutual Telephone Company
LaCygne

Pioneer Telephone Assn., Inc.
Ulysses

Rainbow Telephone Coop. Assn., Inc.
Everett

Rural Telephone Service Company, Inc.
Lenora

S & A Telephone Company, Inc.
Allen

S & T Telephone Coop. Assn.
Brewster

South Central Telephone Assn., Inc.
Medicine Lodge

Southern Kansas Telephone Co., Inc.
Clearwater

Sunflower Telephone Company, Inc.
Dodge City

Total Telephone Company, Inc.
Ochelata, OK

Tri-Country Telephone Assn., Inc.
Council Grove

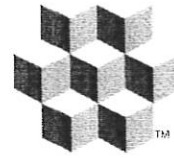
Twin Valley Telephone, Inc.
Miltonvale

United Telephone Association, Inc.
Dodge City

Wamego Telephone Company, Inc.

The Wheat State Telephone Co., Inc.
Udall

Wilson Telephone Company, Inc.



KANSAS
RURAL INDEPENDENT
Telephone Companies

Investment that works for all Kansans

March 12, 2009

Chairman Apple, members of the Senate Utilities Committee, thank you for this opportunity to testify today on HB 2115. I'm here on behalf of the Kansas Rural Independent Telephone Companies in support of this bill.

HB 2115 repeals K.S.A. 21-4211. K.S.A. 21-4211 requires an individual to surrender a multi-party line in the event of an emergency. The statute also requires that telephone companies publish this notice in their directory. A violation of any subsection of this statute is a class C misdemeanor. The last multi-party line in Kansas was converted in the mid-90's, so the statute is no longer needed.

We ask the committee to recommend the bill favorably.

Thank you and I stand for questions.

Senate Utilities Committee
March 12, 2009
Attachment 1-1

Prepared Testimony of Greg Smith, Father of Kelsey Smith, Before the Kansas Senate
Utilities Committee in Support of Bill 2126
March 12, 2009

“My child is missing.” No four words cause more terror for a parent than those. I cannot describe the feeling of utter helplessness I had for four days while I did not know where Kelsey was or if she was alive or dead. As hard as hearing the news of her death was, the not knowing was worse. This hell that I went through, that my wife went through and that my family went through had one direct cause, the inexcusable and as yet unexplained actions of Verizon Wireless. They refused to comply with law enforcement requests or the Johnson County District Attorney’s subpoena to release the information that could have located Kelsey in forty-five minutes instead of four days.

When Verizon finally did meet with us they brought three lawyers and the regional president to the meeting. In my experience as a police officer, Verizon had “lawyered up.” The regional president told my family and me that he would now be handling our account personally to avoid any future problems. He also stated, “We [Verizon] didn’t handle this very well.” Imagine our surprise when just a few short weeks after that admission, the regional president suddenly and unexpectedly resigned.

I do not hold Verizon responsible for Kelsey’s death. Forensic evidence supports the fact that she had been murdered before the first request for information went out. However, I do hold Verizon solely responsible for the four days of agony my family and I endured, as well as the cost to taxpayers of a three day search that involved federal, as well as Kansas and Missouri state and local agencies.

Each day, hope was there that Kelsey was alive, that the cell phone information would be released and we would find Kelsey. Yet, at each day’s end the locate or ping

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Utilities Committee in Support of Bill 2126
March 12, 2009

information so critical to finding her remained out of law enforcement's hands. Once it was finally released her raped, sodomized and strangled body was located in a short time. My world changed forever.

Passage of 2126 would ensure that no other family in Kansas has to go through a prolonged wait to find a loved one. It would ensure that law enforcement has the information it needs to find a missing person and move the investigation along. It sends a message to cell phone providers that an emergency situation is not something that can wait until the weekend is over to be handled. It will send a message to those who perpetrate these types of crimes that you will be found and prosecuted. Finally, it would be an invaluable tool in helping to locate those who due to a medical condition, such as Alzheimer's, could be found should they go missing.

This simple law can provide so much good for the citizens of Kansas at no cost to the state. I ask that you move this bill to the floor of the senate for consideration as soon as possible.

Thank you.

Prepared Testimony of Missey Smith
Mother of Kelsey Smith
for the
Kansas Senate Utilities Committee
House Bill 2126
March 12, 2009



In Memory of Kelsey

Mr. Chairman and members of the subcommittee, I want to thank you for letting me speak today and for considering such an important piece of legislation. My name is Missey Smith. I am the mother of Kelsey. She is the young lady that was taken from a Target store in Overland Park, Kansas on June 2, 2007. Kelsey's body was recovered four days later on June 6, 2007. What does a parent go through when a child is missing? You don't eat because you don't know if your child is eating. You don't sleep, because you wonder if they are sleeping. It is pure hell. What took so long to find Kelsey? ONE word, Verizon.

When our daughter Lindsey called me, I was on my way home from a wedding in Des Moines. She let me know that Kelsey was not answering her phone or text messages, I knew immediately that something was wrong. My husband and Kelsey's siblings and John, her boyfriend, continued to try and reach her as did I for the last hour of my trip. Sometime that night after arriving home, John, explained that his uncle used to work for Sprint and had explained that our cell phone company could "ping" Kelsey's phone so we could locate her. It seemed simple enough. Little did we know? I called our provider, Verizon, I explained that my daughter was missing and I needed help to locate her. They told me that they were unable to do that. They explained that I could get on-line and check her cell phone activity. We had contacted police and I believe had located her car. I know some time that night Greg also contacted them and was told the same thing.

In July of 2007 we had a meeting with Verizon officials regarding what had occurred in Kelsey's case. During that meeting one of the lawyers basically said to us that we used incorrect terminology when requesting their help. WE had used the word "ping". Apparently they didn't understand that. I told them to go back and check their protocol and figure out where they had failed Kelsey and us as a family. I said that I would follow up regarding this. After several months of not hearing anything, I called Nancy Bates an administrative assistant. I explained why I was calling. She had the unfortunate job of calling me back to say the lawyers found their protocol to be "adequate". If their actions were adequate, I would hate to see what inadequate is. I can tell you this; if Verizon had acted in a more responsive manner we probably would not be here today asking for this legislation. In no way do we hold them responsible for Kelsey's death. I fully understand that no company can be perfect. I understand that employees are human and that

mistakes will be made. That is just part of being human. I do think that this legislation WILL reduce those errors.

I am going to read a letter from Danny Strigl, the President and Chief Executive Officer of Verizon dated October 2006. It was included in the Verizon Wireless Code of Conduct which would have been the protocol in place at the time of Kelsey's murder.

(Attachment 1)

Unfortunately, Verizon did not and does not act "in the spirit of doing the right thing." In September of 2007, Tanya Rider, of Washington State had been missing for eight days, was found alive at the bottom of a ravine in her wrecked vehicle. Verizon, her carrier according to her husband on Larry King, was not helpful in locating her. Sheriff Rahr of the King County Sheriff's office stated that there has to be a more timely way to get cell phone records in a missing person's case. She believed that Mrs. Rider could have been found 3 ½ days sooner. (Attachment 2)

In November of 2007, Daphny Velder, from Independence, MO went missing. Her family went through some of the same agony of searching and not knowing the fate of their daughter as we did with Kelsey. They also ran into road blocks with their cell phone company Verizon. Verizon would not help her family until Kelsey's name was used. Fortunately, she came home after seeing her mother on TV with me.

In August of 2008, a woman was shot and killed by her son. She had dialed 911 from her Verizon cell phone. She was in Vermont and unable to state her address, her phone could be traced to the tower the call was received at, in New York. There was a delay in getting the "proper form faxed". (Attachment 3)

Verizon is not the only company in Kansas that this type of situation occurs with. We have gotten to know the Sanderholm family of Ark City, Kansas. Their daughter Jodi went missing and was found murdered four days later. They had a two day delay in getting the records of Jodi's cell phone. A subpoena had to be issued. Their provider was US Cellular. I recently met Lori Dennis, the mother of Renee Dennis, of Coffeyville, Kansas who was murdered on March 2, 2007. Renee wasn't found for 13 days. This is another case with cell phone issues. This time the provider was Cellular One. Three different cases, three different providers. This is an industry problem.

In the United States, there are over 250 million wireless customers and in the first half of 2007 one out of every eight American homes had wireless phones only. In Kansas the number of homes with wireless only is almost 17%. Instant messages outnumbered emails and are becoming the principal means of communication for young people. All of them are potential victims that could be helped from this legislation.

I truly believe that this legislation WILL save a life. It WILL save money. How much money was spent those three extra days looking for Kelsey? How many man hours? How many young people and volunteers were invested in bringing her home? All the while Verizon had the ability to let us know where she was. After they FINALLY did the right thing, Kelsey was found in 45 minutes.

In Verizon's Code of Conduct, on page 34, they list their core values. The last one is this:

"ACCOUNTABILITY

We take responsibility for our actions as individuals, as team members, and as an organization. We work together, support one another and never let the customer – or our coworkers –down.

Great companies are judged by what they do, not by what they say. To be the best, we're going to keep pushing ourselves in new and exciting directions. These values will guide our every action. "

It is time for cell phone companies to "man up" and do the right thing. In 2007, there were 4176 young people ages 17-24, murdered in the United States. How many of those victims had a cell phone? I personally knew one of them.

A Message to all Employees

October 2006

Fellow Employees,

Our Code of Conduct is a guide to help us act responsibly, ethically and lawfully.

Integrity is the foundation of lasting business success. For Verizon Wireless to continue to win in the competitive marketplace, our brand, in addition to reliability, must stand for integrity, trust and the highest ethical standards.

To sharpen our focus, the Code of Conduct has been updated. It is now simpler and easier to read, but the expectations are the same - that we conduct all our business activities with the highest standards of integrity.

I urge you to review this document thoroughly. When necessary, you should discuss concerns with your supervisor, your Human Resources Representative, the Office of Integrity & Compliance, or the Legal Department.

As I have said before, integrity goes beyond laws and policies to also include the spirit of doing the right thing – for our customers, our shareholders, our communities and each other – in every business action that we take. Integrity also means that every employee has the right, indeed the obligation, to constructively dissent and to voice his or her concerns.

I expect our employees to do the right thing and to set the highest standards possible for our industry and ourselves, just as we have for all the other ways we measure our performance.

Sincerely,

Denny Strigl
President and Chief Executive Officer

Our Commitment:
Customers First

Our Core Values:

- Integrity
- Respect
- Quality & Innovation
- Personal & Team Commitment



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Leadership, Integrity, Service, Teamwork

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Statement on Rider Case

[News](#) Oct. 3, 2007

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Sheriff Rahr Issues Statement Regarding Tanya Rider Case

"I have some positive news to report in the aftermath of Tanya Rider's horrific accident. Certainly the first and most important is that she was found and is recovering.

Second, this case has prompted the Sheriff's Office to review with a critical eye how we handle missing persons cases in general and this case in particular. We have begun looking at our process from start to finish. Equally important, it has given us an opportunity to engage the public so they are more aware of the hurdles we have when investigating these cases.

Yes, we do have a screening process when someone calls 9-1-1 to report someone missing. In fact all 9-1-1 calls must be screened and prioritized to one extent or another. The reason behind our screening policy for missing person cases is threefold: (1) to expedite an investigation when foul play is suspected or a person is otherwise at risk; (2) to protect the privacy of the person believed to be missing; (3) and to best utilize the very limited resources of the Sheriff's Office. We cannot afford to misdirect resources if the person is "missing" of their own accord, or not really missing at all.

I have reviewed the policies we have in place for initiating a missing person case. I believe those policies are appropriate, and generally mirror the policies of other police agencies. We will be handing out a copy of that policy today.

Secondly, I believe these policies were followed by our Call Receivers when Tom Rider called 9-1-1. I will qualify that by saying the decision to take the report is a subjective one, by necessity, since each situation is different. That means different people might come to a different conclusion.

In this situation, I've spoken with Call Receivers on both sides of the fence - some say we should have taken the report a day earlier, others say it was handled appropriately.

Nevertheless, I would have preferred that the report be taken on the first or second call Saturday morning, rather than 24 hours later. But I want to emphasize that this would not have changed the outcome of the case because the information we had at that time did not warrant calling out detectives immediately.

Finally, I looked at this case from the standpoint of customer service. Did we provide an appropriate amount of "service" to Tom Rider? I determined that in each of his calls we helped him work with Washington State Patrol to see if they were investigating any accidents that might involve Tanya. We helped Tom contact Bellevue Police, which is where Tanya was last seen. We helped Tom work with Renton Honda to determine if Tanya's new car had a locator device. We also helped Tom understand the importance of contacting family and friends, as well as hospitals and jails.

Could we have done more? Yes, we could have. I think we could have reduced Tom's sense of frustration and helplessness if we had done a better job of explaining to him how the process worked, and been more specific in explaining what he could do in the meantime to help. For that Tom, I apologize. And I assure you we will do a better job in the future.

I will be talking with the Call Receivers involved to make sure they understand my concerns.

In addition, one of the improvements we will make right away is to provide the person making the report with a list of jails and hospitals that he or she can call right away. I am also going to explore the feasibility of using our Police Chaplains or other volunteers to work with the person making the report to help explain the process one-on-one, and to assist the person in making the appropriate calls. This is especially important when someone is understandably upset and emotional when a loved one is apparently missing.

I have also reviewed the investigation that was done. I believe it was a thorough and proper investigation, and as a result of the excellent work of our missing persons investigator and major crimes detectives, Tanya Rider is alive today.

In spite of that, however, I am still deeply troubled by the hurdles our investigators had to overcome, and the ensuing time delays in getting the cell

phone records that ultimately led us to the location where Tanya was trapped in her car. There must be a more timely way for law enforcement agencies to get cell phone records pursuant to a missing persons case.

I will be teaming up with other Sheriff's and police chiefs to explore a possible legislative fix for this situation. I want the cell phone companies to provide police with the requested information immediately, while indemnified from liability.

The police would necessarily be forbidden from releasing that information to third parties—including spouses and family members. (This step is necessary to protect those who are fleeing from family violence.) Furthermore, police agencies must have very strict guidelines in place for accessing the information. The information received must be exempt from public disclosure to protect the privacy interests of the cell phone owner.

However I am only asking for this change for missing person cases. I believe criminal investigations where cell phone records are needed should still have a search warrant for accessing those records.

I am asking Tom Rider to work with me toward this legislative change. State Representative Al O'Brien, a former police officer, has already stepped forward and pledged to help us. Representative O'Brien has previously been an advocate for missing persons legislation. (SB 5191)

Again, my thanks to Tom Rider for understanding the limitations the Sheriff's Office had when investigating the disappearance of his wife. My heart goes out to Tom and his wife for what they have endured so far, and I send my best wishes to Tanya from the entire Sheriff's Office for a speedy recovery."

Updated: May 29, 2008

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Technology, bureaucracy delayed Vt. 911 response Associated Press

By Wilson Ring, Associated Press Writer | August 8, 2008

MONTPELIER, Vt. --A 911 dispatcher trying to find a Vermont woman being beaten to death was slowed by technical problems and a bureaucratic roadblock at Verizon Wireless, delaying emergency responders' ability to reach the victim, a county official in New York said Friday.

The dispatcher was placed on hold for two minutes and then got a busy signal when trying to fax a form that would allow Verizon Wireless to release the billing address of the victim's cell phone, said Bill Cook, the director of Public Safety for Washington County.

It was 30 minutes between the time a screaming Francine Morgan made a 911 call from her home in Wells, Vt., just before 4 a.m. Aug. 2 that was answered across the state line in New York and the Vermont State Police in Rutland could be sent to her home where she was found dead.

"This was in 24 years of being in this business, the worst call I've ever had to review," said Cook.

It's unclear if without the delay, troopers could have saved the life of Morgan. Her 14-year-old son Christian Taylor has pleaded not guilty to a second degree murder charge in the death of his mother.

During the call, operators heard Morgan screaming and noises consistent with an object striking another object. After a time Morgan's voice stopped.

The issue was further complicated because the Washington County 911 system didn't have computerized maps of Vermont that would have displayed the location of Morgan's call. Instead, the computer displayed the location of the cell tower that picked up the call, officials said.

The tower was located in Granville, N.Y., several miles from Morgan's home in Wells. Before the location of the call was identified, Washington County officials had to get the billing address of Morgan's account.

Cook said the Verizon Wireless official who answered the phone in New Jersey wouldn't release the billing address without a faxed verification form. The form was then faxed to Washington County and when officials tried to send it back they were further delayed by a busy signal.

Verizon Wireless spokesman John O'Malley said the operators at the company's center needed to verify that the request for billing information was legitimate. The fax system has been in place for five years and there has never been a problem.

"When our analyst offered to fax the form, (the Washington County operator) didn't say this is really time critical. Had he done that our analyst would have done a callback verification," O'Malley said.

O'Malley said Morgan had a new phone that did transmit the location of the 911 call, but because Washington County didn't have the proper mapping software it didn't do any good.

But Cook said that wasn't true. He said his office had a recording of the conversation in which his operator made clear there was an assault in progress and time was critical.

"They are just trying to pass that off on somebody else," Cook said.

After Morgan's first call was received, a second Washington County operator called back the number, and listened to Morgan's message, which only gave her first name. The center sent Granville police to knock on

doors looking for someone named Francine.

Apart from the delays in getting Verizon Wireless to release the caller's billing address and software issues, experts say the case highlights the limitations of using cell phones to call 911, especially in border areas where calls from one state can be answered in another state or, in some cases, another country.

It's routine for 911 operators to receive calls from outside their jurisdiction. When that happens operators can pass the call to the appropriate location, said David Serra, the executive director of Vermont Enhanced 911 Board.

What was unusual in the Wells case was Morgan couldn't communicate.

"It was very good work on their part," Serra said of the people who dealt with the call in New York. "Instead of hitting the 800 number and sending this call that nobody is on the other end of and that there's no location information for to Vermont 911, they sought to find who it was so they called Verizon Wireless."

Since Morgan's call, Cook said his office was working with Serra's office to load computerized maps of Vermont into the Washington County system.

"We don't typically share that data, but we are going to start doing that," Cook said. "We have been working with Vermont officials. We are going to do some test calls next." ■

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Police support cell phone bill

Deadline approaches to get Kelsey's Law out of committee

By [Cristina Janney](#)
Newton Kansan
Posted Mar 12, 2009 @ 10:23 AM

NEWTON — Local law enforcement officials are hoping a proposed law that would require cell phone companies to cooperate with law enforcement officers in cases of emergency will pass in the Kansas Senate.

The bill, also known as Kelsey's Law, would require the phone companies to cooperate with law enforcement to send out a signal or "ping" to an active cell phone to locate a missing person.

The bill easily passed the House 118-1 on Feb. 20 and is set for hearing today in Senate Utilities Committee of which local Sen. Carolyn McGinn, R-Sedgwick, is a member. The bill must make it out of committee by March 20 in order for it to be debated in the full Senate this session.

The law was championed by the family of 18-year-old Kelsey Smith of Johnson County who was kidnapped and murdered in 2007.

A ping to her cell phone helped lead law enforcement to her body but not before a delay because of wranglings with the cell phone company.

Smith was missing for four days, but once law enforcement gained access to the cell information, her body was found in a matter of hours.

Newton Police Chief Jim Daily said he strongly supported the measure.

"I think it's the biggest tragedy when lives are hanging in the balance that our attempts to save lives are bogged down by bureaucratic red tape," Daily said.

Daily said time can make a difference if a person is hurt or foul play is suspected.

Harvey County Sheriff T. Walton, formerly a lieutenant with the Newton Police Department, said there have been several instances during the years in which immediate access to a cell phone ping would have helped their cases.

"I think it would be a great thing to pass," Walton said of the bill. "There are situations in which we needed access to cell phones instantly."

Instead, law enforcement has to file affidavits with the county attorney for subpoenas, have those faxed to the cell phone companies and wait hours or days for the paperwork to be processed.

Walton investigated the disappearance of a Salina man who was last seen in the Newton area.

His family feared he had been the victim of foul play.

The Newton Police Department spent the better part of a day trying to get the cell company to ping the man's phone.

Once they did, the man was located safely within yards of the location pinpointed by the cell company.

The department lost a lead on a case because they could not get the cell company to ping a phone quickly enough, Walton said.

A local farmer had been badly beaten, and the suspects had taken his cell phone. By the time the cell company pinged the phone, the suspects had disposed of the phone.

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State of Kansas



Representative Rob Olson
Kansas House of Representatives
26th District

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House Bill 2126
Testimony of Representative Rob Olson
to the
Senate Utilities Committee
March 12, 2009

Chairman Apple and Members of the Committee,

Thank you for this opportunity to testify in support of House Bill 2126, Kelsey's Law.

On June 2, 2007 Edwin R. Hall kidnapped, raped and murdered 18-year old Kelsey Smith.

The daughter of a police officer, Kelsey knew to call if she was going to be late. And when she didn't call after failing to return as expected from a trip to the Target store, her family began to worry – and tried calling her cell phone.

Early in the investigation into Kelsey's abduction, her family and police became frustrated with how long it was taking her cellular provider to release information about her cell phone usage.

Cell phone signals, known as pings, occur when a cell phone is in use, either receiving or sending a call or message. These pings are sent to the service provider's nearest cell phone tower. Investigators can use this information to track down the cell phone's general location.

It took the provider nearly four days to provide the necessary information. Once a map of the pings was drafted and a search area was identified, police found Kelsey's body in less than an hour.

The cellular provider has said it was following its protocol.

House Bill 2126, Kelsey's Law, requires a telecommunications carrier to provide caller location information in emergency situations to law enforcement officers in a timely manner. There must be a strong belief the emergency situation involves the risk of death or serious physical harm.

By passing Kelsey's Law, the protocol telecommunications carriers and law enforcement agencies must follow is defined. Who can request and receive caller location information is clarified. Privacy is safeguarded and abuse of the system is prevented. Kelsey's Law has the support of the telecommunications industry and law enforcement.

The Smiths have said they do not believe a near instantaneous response by the provider would have saved their daughter's life. But they believe as do I that there will be a situation where investigators will have enough time to react to an abduction. And with this tool, they will be able to bring a missing loved one home alive.

Thank you for the opportunity to appear in support of HB 2082, Kelsey's Law. I will be happy to stand for questions at the appropriate time.

Senate Utilities Committee
March 12, 2009
Attachment 4-1



Map by KMBC-TV, Kansas City, MO. Posted at <http://www.kmbc.com/image/13456867/detail.html>

Analysis of the phone records show Kelsey Smith's phone passed through cell phone locations located on I-35 to I-435, then east to south on Highway 71, and from there to an area in the vicinity of Longview Lake Park. Searchers found Kelsey's body in a large wooded area near the lake.



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League of Kansas Municipalities

To: Senate Utilities Committee
From: Moji Fanimokun, Staff Attorney
Re: Support for HB 2126
Date: March 11, 2009

Thank you for allowing the League of Kansas Municipalities to testify in support of HB 2126. We believe HB 2126 balances the need for privacy in our everyday use of cellular phones, with the very important need for location disclosure by telecommunications companies in emergency situations. We would foresee that such need would be rare, but in those instances where emergency services are required, the proper authorities would be allowed to receive the location information. For these reasons, the League urges the committee to report HB 2126 favorably for passage.



GACHES, BRADEN & ASSOCIATES

Government Relations & Association Management

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**Testimony of Sprint
In Support of HB 2126 Requiring Caller Location in Emergency Situations
Before Senate Utilities Committee
Submitted by Ron Gaches
Thursday, March 12, 2009**

Thank you Chairman Apple for this opportunity to speak to your Committee on behalf of Sprint. The bill before you addresses an important public safety issue regarding the circumstances when a telecommunications carrier must provide call location information. Sprint fully supports this proposal.

The original language proposed in the bill created some concerns because we thought it was overly broad in describing who was entitled to request a caller location. The amended bill is a natural extension of federal law, which is permissive, and consistent with current Sprint practices.

Sprint's current process in an emergency is to obtain verification of the identity of the law enforcement agent requesting the information, and then to release location information to the law enforcement agent only. This process routinely works well, is understood by law enforcement personnel nationwide and has effectively worked to protect the public safety while affording phone owners the confidentiality required under federal law.

We urge your support of the bill.

Senate Utilities Committee
March 12, 2009
Attachment 6-1



Senate Utilities Committee

Senator Pat Apple, Chairman

HB 2126

March 12, 2009

Dear Chairman and Members of the Committee:

My name is Dina Fisk and I represent Verizon in the state of Kansas. Thank you for the opportunity to speak in support of HB 2126, the emergency response locator bill. Verizon believes that this legislation is important to the law enforcement community and provides a valuable resource in times of emergencies.

Verizon also believes that HB2126 will mirror Federal Law and will provide the state of Kansas the added compliance it seeks to aid in emergency situations.

Verizon Wireless ALERTS program has been in place and ongoing for many years. For your review, I distributed the educational presentation and brochure that VZW developed to aid the law enforcement community. The brochure was mailed to roughly 39,000 law enforcement organizations and agencies (local, state and federal) in 2008. Since that time, VZW has received numerous requests for copies of the presentation for law enforcement. VZW also attends law enforcement conferences and hosts educational presentations at those events.

Verizon has a deep commitment to aiding law enforcement in a timely manner and strives to maintain a process that they feel is very successful in aiding in criminal investigations and other legal matters that are requested.

Again, Verizon would like to add their support of this legislation and help aid law enforcement in being able to execute their duties in a timely and efficient manner.

Sincerely,

Dina Fisk
Verizon Corporation

Senate Utilities Committee
March 12, 2009
Attachment 7-1



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Testimony Before The Senate Utilities Committee
Regarding House Bill 2126
Presented by Erik Sartorius
March 12, 2009

The City of Overland Park appreciates the opportunity to share with the committee its support for House Bill 2126. We support the ability of public safety officials to access data from telecommunications companies in times of emergencies to assist investigations.

When time is of the essence, data from telecommunications companies can provide crucial clues to the whereabouts of an individual. Access to this data should be allowed while taking into account privacy concerns.

Kelsey Smith was a student at Shawnee Mission West High School in Overland Park. On June 2, 2007, she was abducted from the parking lot of a local retailer. She was murdered later that evening, though her body wasn't found until June 6.

At the time she was reported missing, however, law enforcement officials worked under the assumption that Kelsey might still be alive. In an attempt to pinpoint her whereabouts, requests were made to her telecommunications carrier to provide records that could assist search efforts.

Specifically, data automatically sent from her phone to the nearest cellular phone tower creates a string of "pings" that can be utilized to approximate the route taken by an individual in possession of her mobile phone. Identifying the last cellular tower that received a ping led to the eventual discovery of Ms. Smith's body.

Investigators and prosecutors were frustrated by the delay of the telecommunications company in releasing the records. A request to the company was made the day after the abduction, but the company did not comply with the request until two days later.

Though quick action from the mobile phone company would not have aided in this specific case, once all the facts were known, law enforcement officials work under the assumption that abductees are alive and that any information that may result in the safe recovery of the person is vital.

The City of Overland Park supports the goal of House Bill 2126, providing public safety officials access to data that can assist investigations. We believe the amendments added by the House have improved the legislation and addressed important concerns.