

ASSEMBLY BILL

No. 701

Introduced by Assembly Member Wagner

February 17, 2011

An act to add Section 14211 to the Penal Code, and to add Section 2890.3 to the Public Utilities Code, relating to missing persons.

LEGISLATIVE COUNSEL'S DIGEST

AB 701, as introduced, Wagner. Missing persons: mobile telephone location.

Existing law declares it the duty of all law enforcement agencies to immediately assist any person who is attempting to make a report of a missing person or runaway.

This bill would authorize a peace officer to require a mobile telephony service carrier to provide the location of a mobile communication device, with a global positioning system, where the subscriber for the mobile telephony service has authorized the carrier to provide the requested information to a peace officer, where a missing person report has been filed for an at risk child or elder.

Existing law requires a mobile telephony service carrier to provide subscribers with specified services.

This bill would require a mobile telephony service carrier to provide subscribers with the option of authorizing the carrier to provide the location of a mobile communication device, with a global positioning system, on the subscriber's calling plan to a peace officer requesting the information, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14211 is added to the Penal Code, to
2 read:

3 14211. (a) A peace officer, as defined in Section 830.1 or
4 830.2, may require a mobile telephony service carrier to provide
5 the location of a mobile communication device, with a global
6 positioning system, where the subscriber for the mobile telephony
7 service has authorized the mobile telephony service carrier to
8 provide the requested information to a peace officer, pursuant to
9 Section 2890.3 of the Public Utilities Code, under any of the
10 following circumstances:

11 (1) A missing person or runaway report has been filed for an
12 at-risk child.

13 (2) A missing person report has been filed for an at-risk elder.

14 (b) For purposes of this section, “elder” is any person described
15 in subdivision (g) of Section 368.

16 SEC. 2. Section 2890.3 is added to the Public Utilities Code,
17 to read:

18 2890.3. (a) A carrier that provides mobile telephony service,
19 as defined in Section 224.4, shall provide subscribers with the
20 option of authorizing the carrier to provide the location of a mobile
21 communication device, with a global positioning system, on the
22 subscriber’s calling plan to a peace officer requesting the
23 information, pursuant to Section 14211 of the Penal Code.

24 (b) Each mobile telephony service carrier shall inform
25 subscribers, at the time service is established or for current
26 subscribers as an insert in a billing statement, of the availability
27 of the service.