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October 30, 2019

The Honorable Roger Wicker  
Chairman, Committee on Commerce, Science, and Transportation  
U.S. Senate  
512 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Maria Cantwell  
Ranking Member, Committee on Commerce, Science, and Transportation  
U.S. Senate  
511 Hart Senate Office Building  
Washington, DC 20510

The Honorable Frank Pallone  
Chairman, Committee on Energy and Commerce  
U.S. House of Representatives  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Greg Walden  
Ranking Member, Committee on Energy and Commerce  
U.S. House of Representatives  
2322 Rayburn House Office Building  
Washington, DC 20515

Dear Committee Chairs and Ranking Members:

As the chief legal officers of our states, we write to urge you to enact the Kelsey Smith Act, legislation to give law enforcement officers the tools they need to keep our communities safe in the 21st Century. Each of our states was an early adopter of a state-level version of the Act, and we can attest to its critical importance in saving lives during abductions and other emergency

situations. We recently discussed the Act's vital importance at the Never Forgotten – Arkansas Takes Action event, a conference held on July 18, 2019, in Benton, Arkansas, for families and the Arkansas law enforcement community to raise awareness of the issues surrounding missing persons.

Like its state counterparts, the federal bill, recently re-introduced as S. 273 and H.R. 1818, would require cell phone providers to turn over geographic location information to law enforcement officers in an emergency situation involving the risk of death or serious bodily harm. Under current law, no such requirement exists, and cell phone providers are free to withhold location information – even in matters of life and death.

This legislation draws its title from horrific circumstance in the hopes of preventing similar tragedies in the future. In 2007, 18-year-old Kelsey Smith was abducted in broad daylight before she was able to get into her car outside a big-box retail store in Overland Park, Kansas. Surveillance video showed Kelsey placing a call to her mother on her cell phone before she disappeared. Surveillance video also subsequently showed an unidentified male forcing Kelsey into a car after she placed the call – removing any doubt the situation was an emergency. Kelsey's family, local law enforcement, and agents from the Federal Bureau of Investigation asked the provider to turn over her cellphone's geographic coordinates to assist in efforts to rescue her. Yet, without the legal requirement to turn over the information combined with the provider's understandable concern for the privacy of its customers, days passed before the company agreed to turn over the coordinates. Upon finally receiving the information, law enforcement found Kelsey's body within 45 minutes about 20 miles from where she was abducted. She had been raped and strangled to death.

The Kelsey Smith Act is a commonsense effort to help prevent this sort of terrible loss. Right now, similar legislation has been passed and signed into law in 24 states, including our own, but without the federal requirement for cell phone providers to comply, companies remain free to take different approaches to providing geographic location information in different jurisdictions. This inconsistent framework needlessly puts lives at risk. Importantly, the legislation does not require any disclosure of other private information such as content of text messages, emails, or phone calls. The requirement to provide geographic location is compulsory only in an emergency situation involving the risk of death or serious bodily injury.

There are numerous examples of this legislation saving lives, including cases in both of our states this year. In June in Miami County, Kansas, an 88-year-old man was trapped in his vehicle in flood waters following heavy storms. Using authority under the Kelsey Smith Act, Miami County Sheriff's Deputies were able to ping the missing man's cell phone, locate his vehicle and rescue him. Also in June in the Caney Creek Wilderness near Mena, Arkansas, the Polk County Sheriff's Office and assisting agencies were similarly able to locate a hiker from Texas who had gotten lost

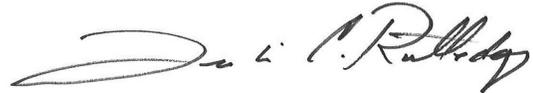
on the Buckeye Trail. The hiker had called his mother and told her he was lost in the remote, rugged area. While extensive searches were conducted, the hiker was found only after authorities were able to obtain the cell phone data associated with the hiker's call to his mother to pinpoint his location, where he was found dehydrated, but alive.

We write you today joined together by our desire to keep our communities safe. We urge you to pass this legislation through your respective committees and quickly send it to the full Senate and House of Representatives and on to the President's desk for signature into law.

Sincerely,

Handwritten signature of Derek Schmidt in black ink.

Derek Schmidt  
Kansas Attorney General

Handwritten signature of Leslie Rutledge in black ink.

Leslie Rutledge  
Arkansas Attorney General