

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

Judiciary Committee

Chair, Public Safety Subcommittee

Vice Chair, Democratic Caucus

Chair, Prince George's
County House Delegation



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

January 26, 2024

The Honorable Delegate Luke Clippinger

Chair of the House Judiciary Committee

6 Bladen Street, Room 101

Annapolis, Maryland 21401

House Bill 129

Good afternoon, Chair Clippinger, Vice Chair Bartlett, and the members of the House Judiciary Committee. I am Delegate Nicole Williams, and I will be testifying in favor of House Bill 129, also known as **Location Information - Exigent Circumstances (Kelsey Smith Act for Maryland)**. This bill would allow law enforcement agencies to obtain location information for an electronic device from service providers in critical circumstances. Service providers would not be penalized for disclosing this information to law enforcement, and agencies would only be able to obtain this information within the 1st 48 hours of the person being missing.

The Kelsey Smith Act is named after Kelsey Smith, a young woman who was kidnapped, sexually assaulted, and murdered in 2007. She had a cellular device, but law enforcement could not obtain her location from the service provider until more than 3 days after she had gone missing. If this bill had been implemented at the time of her disappearance, she could be alive and well today. Also testifying with us today is Kelsey Smith's family to emphasize the need for this legislation so that no other family has to experience the pain they have had to undergo.

Currently, the state of Maryland does not allow service providers to disclose immediate location information to law enforcement agencies without going through the process of obtaining a warrant which can take time. In a missing person's case, time is of the essence. This legislation has already been established in 30 bipartisan states.

Passing this bill will not only make individuals' locations more readily accessible but will improve the justice system overall. For instance, multiple task forces may need to be instituted to best address the situation if a person is located across state borders.

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We understand that individuals may hesitate to pass this bill for a variety of reasons. However, this bill will assist law enforcement to execute their jobs immediately and return individuals to their homes.

For these reasons, I urge this committee to give a favorable report on House Bill 129.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nicole Williams', with a long horizontal flourish extending to the right.

Delegate Nicole A. Williams, Esq.