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# Wisconsin Legislative Council

## ACT MEMO

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### 2023 Wisconsin Act 232 [2023 Assembly Bill 960]

### Communications Device Location Information

Under current law, a provider of a wireless communications service may provide law enforcement with information regarding the location of a wireless communication device if the provider is served with a warrant for the information, if the customer or subscriber to the service consents, or if the provider believes, in good faith, that an emergency involving the danger of death or serious physical injury to any person exists and that disclosure of the location is relevant to preventing the death or injury or to mitigating the injury.

Under the act, in addition to the circumstances described in current law, a provider of a wireless communications service must provide law enforcement with information regarding the location of a device if the provider receives a written request from a law enforcement agency attesting that the information is needed to allow a law enforcement agency to respond to a call for emergency services or to an emergency involving the danger of death or serious physical injury to any person, and that disclosure of the location is relevant to preventing the death or injury or to mitigating the injury.

Under the act, if a provider of a wireless communication service provides location information to a law enforcement agency pursuant to an emergency request, the provider must inform its customer or subscriber of the disclosure within 30 days after the request, or after the emergency situation is resolved, whichever occurs later. Additionally, if a law enforcement agency that requested an emergency disclosure obtains evidence of criminal activity as a result of receiving location information from a wireless communication service provider, the agency must apply, within three days of the disclosure, to a judge for an order that retroactively authorizes the emergency disclosure. If the judge determines that the disclosure was not authorized, he or she must issue an order suppressing the discovered evidence in any criminal proceeding and requiring notification of the disclosure to the customer or subscriber of the wireless communication service.

The act also confers certain immunity from civil or criminal liability for a provider of wireless communication services that provides the information to a law enforcement agency. Finally, the act requires each provider of wireless communication services that does business in the state to submit contact information to the Department of Justice (DOJ) annually so that DOJ may maintain a list of providers and distribute the list to law enforcement agencies.

**Effective date:** March 29, 2024

For a full history of the bill, visit the Legislature's [bill history page](#).

PJH:jal