



Senate Fiscal Agency
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BILL



ANALYSIS

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House Joint Resolution N (as passed by the House)
Sponsor: Representative Jim Runestad
House Committee: Criminal Justice
Senate Committee: Committee of the Whole

CONTENT

The joint resolution would amend Article 1, Section 11 of the State Constitution to do the following:

- Protect a person's electronic data and electronic communications from an unreasonable search and seizure.
- Prohibit a warrant to gain access to electronic data or electronic communications from being issued without a description and probable cause supported by oath or affirmation.

Article 1, Section 11 provides that the person, houses, papers, and possessions of every person are secure from unreasonable searches and seizures. The joint resolution would include a person's electronic data and electronic communications in that provision.

Under Section 11, no warrant to search any place or to seize any person or thing may be issued without a description of the person or thing, or without probable cause, supported by oath or affirmation. Under the joint resolution, this also would apply to a warrant for access to electronic data or electronic communications.

If approved by a two-thirds vote of each house of the Legislature, the joint resolution would have to be submitted to the people of the State at the next general election.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The joint resolution would have no fiscal impact on State or local government.

Date Completed: 6-7-16

Fiscal Analyst: Bruce Baker