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BILL



ANALYSIS

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House Bill 4430 (Substitute S-1)  
Sponsor: Representative Martin Howrylak  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 2-20-18

### **CONTENT**

**The bill would create the "Fourth Amendment Rights Protection Act" to prohibit the State or its political subdivisions from participating with, or providing material support or resources to, a Federal agency to enable it to collect or use a person's electronic data or metadata, except under certain circumstances.**

Specifically, the bill would prohibit the State or a political subdivision of the State from assisting, participating with, or providing material support or resources to a Federal agency to enable it to collect or to facilitate in the collection or use of a person's electronic data or metadata unless one or more of the following applied:

- The person had given informed consent.
- The action was pursuant to a warrant that was based on probable cause and particularly described the person, place, or thing to be searched or seized.
- The action was in accordance with a legally recognized exception to warrant requirements.
- The action would not infringe on any reasonable expectation of privacy the person could have.
- The State or a political subdivision of the State collected the electronic data or metadata legally.

"Electronic data" would mean information related to an electronic communication or the use of an electronic communication service, including the contents, sender, recipients, or format of an electronic communication; the precise or approximate location of the sender or recipients of an electronic communication at any time during the communication; the time or date the communication was created, sent, or received; and the identity of an individual or device involved in the communication, including an internet protocol address. The term would not include subscriber information.

"Metadata" would mean information generally not visible when an electronic document is printed describing the history, tracking, or management of the electronic document, including information about data in the electronic document that describes how, when, and by whom the data were collected, created, accessed, or modified and how the data are formatted. The term would not include any of the following: a) a spreadsheet formula, b) a database field, c) an externally or internally linked file, or d) a reference to an external file or hyperlink.

The bill would take effect 90 days after its enactment.

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

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

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.