

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN SENATE MAY 6, 2014

AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 828

Introduced by Senators Lieu and Anderson
(Coauthor: Senator Padilla)
(Coauthor: Assembly Member Gatto)

January 6, 2014

An act to add Chapter 32.5 (commencing with Section 7599) to Division 7 of Title 1 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 828, as amended, Lieu. Assistance to federal agencies.

The United States Constitution provides that it and other federal laws are the supreme law of the land. The 4th Amendment to the United States Constitution sets forth the right against unreasonable searches and seizures by the federal government and prohibits a federal warrant from being issued unless there is probable cause, supported by an oath or affirmation, that particularly describes the place to be searched, and the person or thing to be seized.

This bill would enact the 4th Amendment Protection Act and prohibit the state from providing material support, participation, or assistance *in response to any a request from a federal agency attempting the illegal and unconstitutional collection of electronic data or an employee of a federal agency to collect electronically stored information or metadata, without consent, metadata of any person not based on a valid warrant that particularly describes the person, place, and thing to be searched*

~~or seized or a court order, or in accordance with judicially recognized exceptions to warrant requirements if the state has actual knowledge that the request constitutes an illegal or unconstitutional collection of electronically stored information or metadata.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 32.5 (commencing with Section 7599)
2 is added to Division 7 of Title 1 of the Government Code, to read:

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4 CHAPTER 32.5. THE 4TH AMENDMENT PROTECTION ACT

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6 7599. (a) *For the purposes of this section, the following*
7 *definitions shall apply:*

8 (1) *“Electronically stored information” means data that is*
9 *created, altered, communicated, and stored in digital form.*

10 (2) *“Metadata” means data bearing the record of and not the*
11 *content of communication, including, but not limited to, the time,*
12 *date, location, duration, origin, or subject of the communication,*
13 *and the identity of the person, persons, group, or entity sending*
14 *or receiving the message.*

15 (b) *The state shall not provide material support, participation,*
16 *or assistance in response to ~~any~~ a request from a federal agency*
17 *attempting or an employee of a federal agency to collect the illegal*
18 *and unconstitutional collection of ~~electronic data~~ electronically*
19 *stored information or metadata, without consent, metadata of any*
20 *person not based on a valid warrant that particularly describes the*
21 *person, place, and thing to be searched or seized or a court order,*
22 *or in accordance with judicially recognized exceptions to warrant*
23 *requirements if the state has actual knowledge that the request*
24 *constitutes an illegal or unconstitutional collection of electronically*
25 *stored information or metadata.*

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