

Senate Bill No. 828

CHAPTER 861

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.

[Approved by Governor September 30, 2014. Filed with
Secretary of State September 30, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 828, 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 a request from a federal agency or an employee of a federal agency to collect electronically stored information or metadata of any person if the state has actual knowledge that the request constitutes an illegal or unconstitutional collection of electronically stored information or metadata.

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

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

CHAPTER 32.5. THE 4TH AMENDMENT PROTECTION ACT

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

(1) "Electronically stored information" means data that is created, altered, communicated, and stored in digital form.

(2) "Metadata" means data bearing the record of and not the content of communication, including, but not limited to, the time, date, location, duration, origin, or subject of the communication, and the identity of the person, persons, group, or entity sending or receiving the message.

(b) The state shall not provide material support, participation, or assistance in response to a request from a federal agency or an employee of a federal agency to collect the electronically stored information or metadata of any

person if the state has actual knowledge that the request constitutes an illegal or unconstitutional collection of electronically stored information or metadata.