

Be It Enacted by the Legislature of the State of (STATE):

#### SECTION 1. SHORT TITLE.

This act shall be known and may be cited as the "(STATE) 4th Amendment Protection Act."

#### SECTION 2. PROHIBITION ON ASSISTANCE TO FEDERAL AGENCIES ENGAGED IN ILLEGAL COLLECTION OF ELECTRONIC DATA OR METADATA

This state and its political subdivisions shall not assist, participate with, or provide material support or resources to enable or facilitate, a federal agency in the collection or use of a person's electronic data or metadata, without that person's informed consent, or without a warrant, based upon probable cause, that particularly describes the person, place, or thing to be searched or seized, or without acting in accordance with a legally-recognized exception to the warrant requirements.

#### SECTION 3. SEVERABILITY

The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

#### SECTION 4. EFFECTIVE DATE

This act takes effect upon approval by the Governor.

#### **DRAFTING NOTES**

**Change all text in (CAPS AND PARENTHESIS) to be specific to your state.**

**Definitions:** A potential change to the above text include definitions for "Electronic communication service," "electronic device," "electronic data," "metadata," and "remote computing service."

**Warrant exceptions:** Instead of listing the broad phrase of "legally-recognized exception to the warrant requirements," the bill could specify the exact exceptions in a subsection.

If you'd like help with modifications to this bill, contact us at [info@offnow.org](mailto:info@offnow.org)