

FIRST REGULAR SESSION

HOUSE BILL NO. 296

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HICKS.

0864H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to the fourth amendment rights protection act, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.500, to read as follows:

1.500. 1. This section shall be known and may be cited as the "Fourth Amendment Rights Protection Act".

2. As used in this section, the following terms mean:

(1) "Electronic data", information related to an electronic communication or the use of an electronic communication service including, but not limited to, the contents, sender, recipients, or format of an electronic communication; the precise or proximate 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, but not limited to, an internet protocol address. The term "electronic data" shall not include subscriber information;

(2) "Metadata", information generally not visible when an electronic document is printed describing the history, tracking, or management of an 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 formed. The term "metadata" shall not include a spreadsheet formula, a database field, an externally or internally linked file, or a reference to an external file or hyperlink.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **3. This state and its agencies, political subdivisions, special districts, or employees**
19 **shall not assist, participate with, or provide material support or resources to a federal**
20 **agency to enable it to collect or facilitate in the collection or use of a person's electronic**
21 **data or metadata unless one or more of the following circumstances apply:**

22 **(1) The person has given informed consent;**

23 **(2) The action is pursuant to a warrant that is based upon probable cause and**
24 **particularly describes the person, place, or thing to be searched or seized; or**

25 **(3) The action is in accordance with a legally recognized exception to the warrant**
26 **requirement.**

27 **4. The attorney general shall enforce the provisions of this section in accordance**
28 **with the Constitution of the United States and the Constitution of Missouri.**

 Section B. Because immediate action is necessary to protect the privacy of the citizens
2 of this state, section A of this act is deemed necessary for the immediate preservation of the
3 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within
4 the meaning of the constitution, and section A of this act shall be in full force and effect upon
5 its passage and approval.

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