

SENATE BILL 1849

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, Part 6 and Title 40, Chapter 6, relative to the "Fourth Amendment Protection Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, is amended by adding Sections 2 through 5 of this act as a new part.

SECTION 2. This part shall be known as and may be cited as the "Fourth Amendment Protection Act".

SECTION 3. It is the policy of this state to refuse material support, participation or assistance, to any federal agency which claims the power, or with any federal law, rule, regulation, or order which purports to authorize the collection of electronic data or metadata of any person pursuant to any action not based on a warrant that particularly describes the person, place and thing to be searched or seized.

SECTION 4. Notwithstanding any law to the contrary, no agency of this state, political subdivision of this state, employee of a state agency or political subdivision acting in an official capacity, or corporation providing services on behalf of this state or a political subdivision of this state shall:

(1) Provide material support, participation or assistance in any form, with any federal agency which claims the power to authorize, or with any federal law which purports to authorize, the collection of electronic data or metadata of any person pursuant to any action not based on a warrant that particularly describes the person, place and thing to be searched or seized;

(2) Utilize any assets, state funds or funds allocated by the state to local entities on or after the effective date of this act, in whole or in part, to engage in any activity that aids a federal agency, federal agent, or corporation providing services to the federal government in the collection of electronic data or metadata of any person pursuant to any action not based on a warrant that particularly describes the person, place and thing to be searched or seized;

(3) Provide services, or participate or assist in any way with the providing of services to a federal agency, federal agent, or corporation providing services to the federal government which is involved in the collection of electronic data or metadata of any person pursuant to any action not based on a warrant that particularly describes the person, place and thing to be searched or seized; or

(4) Use any information in a criminal investigation or prosecution provided by any federal agency, agent, or corporation providing services to the federal government, which was obtained through the collection of electronic data or metadata of any person pursuant to any action not based on a warrant that particularly describes the person , place and thing to be searched or seized.

SECTION 5.

(a) A political subdivision of this state may not receive state grant funds if the political subdivision adopts a rule, order, ordinance, or policy under which the political subdivision violates Section 4 of this act. State grant funds for the political subdivision shall be denied for the fiscal year following the year in which a final judicial determination in an action brought under this section is made that the political subdivision has intentionally required actions which violate the prohibitions in Section 4 of this act.

(b) Any agent or employee of this state or of any political subdivision of this state who knowingly violates the prohibitions in Section 4 of this act, after an appropriate notice and hearing is provided to the agent or employee, shall be deemed to have resigned the public commission or employment which the person may possess, the

person's office shall be deemed vacant, and the person shall be forever thereafter ineligible to any public office of trust or honor under the laws of this state.

(c) Any person or business that provides services to or on behalf of this state found to violate the prohibitions of Section 4 of this act shall not have any current contract renewed and shall not be eligible to enter into any future contract to act on behalf of, or provide services to, this state or any political subdivision of this state.

SECTION 6. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.