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. DEFINITIONS

As used in this act:

(a) "Electronic data" means 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 approximate 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.

(b) "Metadata" means information generally not visible when an electronic document is printed describing the history, tracking, or management of the electronic document, including, but not limited to, 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 formatted.

SECTION 3. PROHIBITION ON ASSISTANCE TO FEDERAL AGENCIES ENGAGED IN COLLECTION OF ELECTRONIC DATA OR METADATA

This state or a political subdivision of this state 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, unless 1 or more of the following circumstances apply:

(a) The person has given informed consent.

(b) The collection or use of the electronic data or metadata is pursuant to a warrant, based upon probable cause, that particularly describes the person, place, or thing to be searched or seized.

(c) The collection or use of the electronic data or metadata is in accordance with a legally recognized exception to the warrant requirements.

SECTION 4. 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 5. EFFECTIVE DATE

This act takes effect upon approval by the Governor.