

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1252

By: Dahm

4
5
6 AS INTRODUCED

7 An Act relating to data collection; creating the
8 Fourth Amendment Protection Act; providing short
9 title; stating public policy; prohibiting certain
10 state support, participation or assistance with any
11 federal agency for the purpose of collection of
12 electronic data not based on certain warrant;
13 prohibiting use of certain information in criminal
14 investigation or prosecution; providing penalties;
15 providing for codification; and declaring an
16 emergency.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 50.1 of Title 80, unless there
20 is created a duplication in numbering, reads as follows:

21 This act shall be known and may be cited as the "Fourth
22 Amendment Protection Act".

23 SECTION 2. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 50.2 of Title 80, unless there
is created a duplication in numbering, reads as follows:

It is the policy of this state to refuse material support,
participation or assistance to any federal agency which claims the

1 power, or with any federal law, rule, regulation or order which
2 purports to authorize the collection of electronic data or metadata
3 of any person pursuant to any action not based on a warrant that
4 particularly describes the person, place and thing to be searched or
5 seized.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 50.3 of Title 80, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Notwithstanding any law, regulation, rule or order to the
10 contrary, no agency of this state, political subdivision of this
11 state, employee of an agency or political subdivision acting in his
12 or her official capacity or corporation providing services on behalf
13 of this state or a political subdivision of this state shall:

14 1. Provide material support, participation or assistance in any
15 form with any federal agency which claims the power, or with any
16 federal law, rule, regulation or order which purports to authorize
17 the collection of electronic data or metadata of any person pursuant
18 to any action not based on a warrant that particularly describes the
19 person, place and thing to be searched or seized;

20 2. Utilize any assets, state funds or funds allocated by the
21 state to local entities on or after the effective date of this act,
22 in whole or in part, to engage in any activity that aids a federal
23 agency, federal agent or corporation providing services to the
24 federal government in the collection of electronic data or metadata

1 of any person(s) pursuant to any action not based on a warrant that
2 particularly describes the person, place and thing to be searched or
3 seized;

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

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

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 50.4 of Title 80, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A political subdivision of this state may not receive state
22 grant funds if the political subdivision adopts a rule, order,
23 ordinance or policy under which the political subdivision violates
24 Section 3 of this act. State grant funds for the political

1 subdivision shall be denied for the fiscal year following the year
2 in which a final judicial determination in an action brought under
3 this section is made that the political subdivision has
4 intentionally required actions which violate the prohibitions in
5 Section 3 of this act.

6 B. Any agent or employee of this state, or of any political
7 subdivision of this state who knowingly violates the prohibitions in
8 Section 3 of this act shall be deemed to have resigned any
9 commission from this state which he or she may possess, his or her
10 office shall be deemed vacant and he or she shall be forever
11 thereafter ineligible to any office of trust, honor or emolument
12 under the laws of this state.

13 C. Any corporation or person that provides services to or on
14 behalf of this state and violates the prohibitions of Section 3 of
15 this act shall be forever ineligible to act on behalf of, or provide
16 services to, this state or any political subdivision of this state.

17 SECTION 5. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21

22 54-2-2406 MJM 1/6/2014 1:48:30 PM

23

24