

1 **PROHIBITION ON ELECTRONIC DATA COLLECTION**

2 **ASSISTANCE**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5

6 **LONG TITLE**

7 **General Description:**

8 This bill prohibits cooperation between a federal agency that collects electronic data
9 and any political subdivisions of the state.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ directs the following entities and their employees to refuse support to any federal
13 agency which collects electronic data within this state:
- 14 • political subdivisions; and
 - 15 • contractors who have contracted with the state, political subdivisions, or state
16 agencies;
- 17 ▶ provides that any citizen may bring an action to enforce the refusal; and
- 18 ▶ provides penalties for violations.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill provides an immediate effective date.

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **63G-19-101**, Utah Code Annotated 1953

26 **63G-19-102**, Utah Code Annotated 1953

27 **63G-19-103**, Utah Code Annotated 1953

28 **63G-19-104**, Utah Code Annotated 1953

29 **63G-19-105**, Utah Code Annotated 1953

30

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **63G-19-101** is enacted to read:

33 **63G-19-101. Definition.**

34 As used in this chapter, "federal data collection and surveillance agency" means a
35 federal agency that:

36 (1) is involved in the routine surveillance or involuntary collection and storage of
37 electronic data or metadata on any citizen of the United States and claims the legal authority to
38 collect and store electronic data or metadata of any citizen of the United States without either
39 the citizen's consent or a search warrant that particularly describes the person, place, or thing to
40 be searched or seized; or

41 (2) manages property or facilities on behalf of or in support of a federal agency
42 described in Subsection (1).

43 Section 2. Section **63G-19-102** is enacted to read:

44 **63G-19-102. Judicial interpretation.**

45 Utah courts should interpret this chapter to meet the Legislature's objective, which is to
46 refuse material support or assistance to any federal data collection and surveillance agency.

47 Section 3. Section **63G-19-103** is enacted to read:

48 **63G-19-103. Prohibition.**

49 (1) Notwithstanding any law, regulation, rule, or order to the contrary, a political
50 subdivision of this state, or an employee or elected official of a political subdivision acting in
51 the official's or employee's official capacity, may not:

52 (a) provide material support or assistance in any form to any federal data collection and
53 surveillance agency;

54 (b) use any assets, state funds, or funds allocated by the state or a local entity, in whole
55 or in part, to engage in any activity that aids a federal data collection and surveillance agency;

56 (c) provide services or assist in any way with the provision of services to a federal data
57 collection and surveillance agency; or

58 (d) use any information in a criminal investigation or prosecution provided by a federal
59 data collection and surveillance agency.

60 (2) A political subdivision that has borrowed funds or entered into a contractual
61 agreement to provide material support, assistance, or public utilities to a federal data collection
62 and surveillance agency may not renew the contractual agreement upon expiration of the

63 agreement in force on July 1, 2015. In addition, a political subdivision that has borrowed funds
64 to enter into the contractual agreement shall terminate the contractual arrangement upon the
65 final repayment of the borrowed funds or the termination of the current contractual
66 arrangement, whichever occurs first.

67 Section 4. Section **63G-19-104** is enacted to read:

68 **63G-19-104. Enforcement.**

69 Any citizen of this state may bring an action in a district court to enforce the provisions
70 of this chapter.

71 Section 5. Section **63G-19-105** is enacted to read:

72 **63G-19-105. Penalties.**

73 (1) (a) A political subdivision of this state may not receive state funds if the political
74 subdivision adopts a rule, order, ordinance, or policy, or enters into a contractual arrangement,
75 the enforcement of which violates Section 63G-19-103.

76 (b) A political subdivision denied state funds under Subsection (1)(a) may once again
77 receive state funds when the political subdivision is fully compliant with the provisions of this
78 chapter.

79 (2) Any corporation or person that provides services to, or on behalf of, the state, and
80 violates the prohibitions of Section 63G-19-103, will be forever ineligible to act on behalf of,
81 or provide services to, the state or any political subdivision of the state.

82 Section 6. **Effective date.**

83 If approved by two-thirds of all the members elected to each house, this bill takes effect
84 upon approval by the governor, or the day following the constitutional time limit of Utah
85 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
86 the date of veto override.