

1 **PROHIBITION ON ELECTRONIC DATA COLLECTION**

2 **ASSISTANCE**

3 2014 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Marc K. Roberts**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

14 ▶ directs the following entities and their employees to refuse support to any federal
15 agency which collects electronic data within this state:

- 16 • political subdivisions; and
 - 17 • contractors who have contracted with the state, political subdivisions, or state
- 18 agencies;

19 ▶ provides that any citizen may bring an action to enforce the refusal; and

20 ▶ provides penalties for violations.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill provides an immediate effective date.

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **63G-18-101**, Utah Code Annotated 1953



- 28 **63G-18-102**, Utah Code Annotated 1953
- 29 **63G-18-103**, Utah Code Annotated 1953
- 30 **63G-18-104**, Utah Code Annotated 1953
- 31 **63G-18-105**, Utah Code Annotated 1953

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

34 Section 1. Section **63G-18-101** is enacted to read:

35 **63G-18-101. Definition.**

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

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

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

45 Section 2. Section **63G-18-102** is enacted to read:

46 **63G-18-102. Judicial interpretation.**

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

49 Section 3. Section **63G-18-103** is enacted to read:

50 **63G-18-103. Prohibition.**

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

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

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

58 (c) provide services or assist in any way with the provision of services to a federal data

59 collection and surveillance agency; or

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

62 (2) A political subdivision that has borrowed funds or entered into a contractual
63 agreement to provide material support, assistance, or public utilities to a federal data collection
64 and surveillance agency may not renew the contractual agreement upon expiration of the
65 agreement in force on July 1, 2014. In addition, a political subdivision that has borrowed funds
66 to enter into the contractual agreement shall terminate the contractual arrangement upon the
67 final repayment of the borrowed funds or the termination of the current contractual
68 arrangement, whichever occurs first.

69 Section 4. Section **63G-18-104** is enacted to read:

70 **63G-18-104. Enforcement.**

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

73 Section 5. Section **63G-18-105** is enacted to read:

74 **63G-18-105. Penalties.**

75 (1) (a) A political subdivision of this state may not receive state funds if the political
76 subdivision adopts a rule, order, ordinance, or policy, or enters into a contractual arrangement,
77 the enforcement of which violates Section [63G-18-103](#).

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

81 (2) Any corporation or person that provides services to, or on behalf of, the state, and
82 violates the prohibitions of Section [63G-18-103](#), will be forever ineligible to act on behalf of,
83 or provide services to, the state or any political subdivision of the state.

84 Section 6. **Effective date.**

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

Legislative Review Note
as of 2-24-14 6:34 AM

Office of Legislative Research and General Counsel