

1 **PROHIBITION ON ELECTRONIC DATA COLLECTION**

2 **ASSISTANCE**

3 2015 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 that 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 a special effective date.

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **63G-19-101**, Utah Code Annotated 1953



- 28 **63G-19-102**, Utah Code Annotated 1953
- 29 **63G-19-103**, Utah Code Annotated 1953
- 30 **63G-19-104**, Utah Code Annotated 1953
- 31 **63G-19-105**, Utah Code Annotated 1953



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

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

35 **63G-19-101. 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 bulk
39 telephone and email records or metadata on any citizen of the United States and claims the
40 legal authority to collect and store bulk telephone and email records or metadata of any citizen
41 of the United States without either the citizen's consent or a search warrant that particularly
42 describes the person, place, or thing to 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-19-102** is enacted to read:

46 **63G-19-102. 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-19-103** is enacted to read:

50 **63G-19-103. 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, 2015. In addition, a political subdivision that has borrowed funds
66 to enter into the contractual agreement shall terminate the contractual agreement upon the final
67 repayment of the borrowed funds or the termination of the current contractual agreement,
68 whichever occurs first.

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

70 **63G-19-104. 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-19-105** is enacted to read:

74 **63G-19-105. Penalties.**

75 (1) 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 agreement,
77 the enforcement of which violates Section [63G-19-103](#).

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

81 Section 6. **Effective date.**

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

Legislative Review Note
as of 12-15-14 1:21 PM

Office of Legislative Research and General Counsel