



ARIZONA STATE SENATE
Fifty-Second Legislature, First Regular Session

FACT SHEET FOR S.B. 1331

electronic data; metadata; prohibited collection

Purpose

Prohibits state agencies and political subdivisions from providing certain types of assistance to federal agencies if those agencies claim the power to collect electronic data or metadata without a warrant.

Background

The Fourth Amendment of the U.S. Constitution provides people with protection from unreasonable searches and seizures by the government. Although the Constitution provides such protection, it is not a guarantee against all searches and seizures, only those that are deemed unreasonable under the law. With some exceptions, if a search would be unreasonable, the Fourth Amendment requires the issuance of a warrant based on probable cause that describes the place to be searched and the person or thing to be seized. A warrant is a written order signed by a judge in the name of the state that directs a peace officer to search for personal property, persons or items as specified by law (A.R.S. § 13-1911).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits state agencies, political subdivisions and their employees acting in the employee's official capacity from doing the following if it involves the collection of electronic data or metadata of any person not based on a warrant that describes the person, place and thing being seized:
 - a) providing material support or assistance to federal agencies claiming the power to collect or complying with federal laws that authorize the collection of such data;
 - b) beginning January 1, 2016, using assets or state monies to engage in any activity that aids federal agencies, agents or corporations that provide services to the federal government in the collection of such data;
 - c) providing services to federal agencies, agents or corporations that provide services to the federal government involving the collection of such data; and
 - d) using any information in criminal investigations or prosecutions that was provided by federal agencies, agents or corporations providing services to the federal government obtained through the collection of such data.

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2. Prohibits the State Treasurer from transferring monies to a political subdivision in the fiscal year after a final judicial determination is made that the political subdivision adopted a rule, order, ordinance or policy that intentionally violates the provisions of this act.
3. Disqualifies any agent or employee of the state or a political subdivision who knowingly violates the above provisions from serving on any commission, further deems that office vacant and forever prohibits the person from holding any public office in Arizona.
4. Exempts the use of electronic data or metadata that is voluntarily provided to a federal agency, federal agent or corporation providing services to the federal government from the provisions of this act.
5. Provides that the provisions of the act do not apply to the collection, provision or transmission of electronic data or metadata in the normal course of operations or research by a university that is under the jurisdiction of the Arizona Board of Regents.
6. Requires any electronic data or metadata collections, provisions or transmissions that are done in the course of university operations or research to comply with established institutional rules and regulations to protect the appropriate privacy and security of the electronic data or metadata.
7. Exempts data sharing between the state and the Federal Energy Regulatory Commission from provisions of the act.
8. Becomes effective on the general effective date.

Prepared by Senate Research

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