

REFERENCE TITLE: prohibited electronic data; metadata collection

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1156

Introduced by
Senators Ward, Burges, Crandell, Farnsworth D; Representatives Borrelli,
Livingston, Mitchell, Petersen, Seel, Thorpe; Senators Biggs, Murphy;
Representatives Barton, Boyer

AN ACT

AMENDING TITLE 41, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10;
RELATING TO PROHIBITED ELECTRONIC DATA COLLECTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 9, Arizona Revised Statutes, is amended
3 by adding article 10, to read:

4 ARTICLE 10. PROHIBITED COLLECTION
5 OF ELECTRONIC DATA AND METADATA

6 41-1494. Prohibited collection of electronic data and metadata:
7 state treasurer; prohibited money transfers:
8 penalties

9 A. NOTWITHSTANDING ANY OTHER LAW, REGULATION, RULE OR ORDER, AN AGENCY
10 OR POLITICAL SUBDIVISION OF THIS STATE, AN EMPLOYEE OF AN AGENCY OR POLITICAL
11 SUBDIVISION OF THIS STATE ACTING IN THE EMPLOYEE'S OFFICIAL CAPACITY OR A
12 CORPORATION PROVIDING SERVICES ON BEHALF OF THIS STATE OR A POLITICAL
13 SUBDIVISION OF THIS STATE SHALL NOT:

14 1. PROVIDE MATERIAL SUPPORT OR ASSISTANCE IN ANY FORM TO ANY FEDERAL
15 AGENCY THAT CLAIMS THE POWER TO COLLECT, OR COMPLY WITH ANY FEDERAL LAW,
16 RULE, REGULATION OR ORDER THAT PURPORTS TO AUTHORIZE THE COLLECTION OF,
17 ELECTRONIC DATA OR METADATA OF ANY PERSON PURSUANT TO ANY ACTION THAT IS NOT
18 BASED ON A WARRANT THAT PARTICULARLY DESCRIBES THE PERSON, PLACE AND THING TO
19 BE SEARCHED OR SEIZED.

20 2. USE ANY ASSETS, STATE MONIES OR MONIES ALLOCATED BY THIS STATE TO
21 LOCAL ENTITIES ON OR AFTER JANUARY 1, 2015, IN WHOLE OR IN PART, TO ENGAGE IN
22 ANY ACTIVITY THAT AIDS A FEDERAL AGENCY, FEDERAL AGENT OR CORPORATION
23 PROVIDING SERVICES TO THE FEDERAL GOVERNMENT IN THE COLLECTION OF ELECTRONIC
24 DATA OR METADATA OF ANY PERSON PURSUANT TO ANY ACTION THAT IS NOT BASED ON A
25 WARRANT THAT PARTICULARLY DESCRIBES THE PERSON, PLACE AND THING TO BE
26 SEARCHED OR SEIZED.

27 3. PROVIDE SERVICES OR PARTICIPATE OR ASSIST IN ANY WAY WITH THE
28 PROVIDING OF SERVICES TO A FEDERAL AGENCY, FEDERAL AGENT OR CORPORATION
29 PROVIDING SERVICES TO THE FEDERAL GOVERNMENT THAT IS INVOLVED IN THE
30 COLLECTION OF ELECTRONIC DATA OR METADATA OF ANY PERSON PURSUANT TO ANY
31 ACTION THAT IS NOT BASED ON A WARRANT THAT PARTICULARLY DESCRIBES THE PERSON,
32 PLACE AND THING TO BE SEARCHED OR SEIZED.

33 4. USE ANY INFORMATION IN A CRIMINAL INVESTIGATION OR PROSECUTION THAT
34 WAS PROVIDED BY ANY FEDERAL AGENCY, AGENT OR CORPORATION PROVIDING SERVICES
35 TO THE FEDERAL GOVERNMENT THAT WAS OBTAINED THROUGH THE COLLECTION OF
36 ELECTRONIC DATA OR METADATA OF ANY PERSON PURSUANT TO ANY ACTION THAT WAS NOT
37 BASED ON A WARRANT THAT PARTICULARLY DESCRIBES THE PERSON, PLACE AND THING TO
38 BE SEARCHED OR SEIZED.

39 B. NOTWITHSTANDING ANY OTHER LAW, THE STATE TREASURER SHALL NOT
40 TRANSFER ANY MONIES TO A POLITICAL SUBDIVISION OF THIS STATE IN THE FISCAL
41 YEAR AFTER A FINAL JUDICIAL DETERMINATION IS MADE THAT THE POLITICAL
42 SUBDIVISION OF THIS STATE ADOPTED A RULE, ORDER, ORDINANCE OR POLICY THAT
43 INTENTIONALLY VIOLATED THIS SECTION.

1 C. ANY AGENT OR EMPLOYEE OF THIS STATE OR OF ANY POLITICAL SUBDIVISION
2 OF THIS STATE WHO KNOWINGLY VIOLATES THIS SECTION IS DEEMED TO HAVE RESIGNED
3 ANY COMMISSION FROM THIS STATE THAT THE PERSON MAY POSSESS, THE PERSON'S
4 OFFICE IS DEEMED VACANT AND THE PERSON IS FOREVER AFTER INELIGIBLE TO HOLD
5 ANY OFFICE OF TRUST, HONOR OR EMOLUMENT UNDER THE LAWS OF THIS STATE.
6 D. ANY PERSON OR CORPORATION THAT PROVIDES SERVICES TO OR ON BEHALF OF
7 THIS STATE AND THAT VIOLATES THIS SECTION IS FOREVER INELIGIBLE TO ACT ON
8 BEHALF OF, OR PROVIDE SERVICES TO, THIS STATE OR ANY POLITICAL SUBDIVISION OF
9 THIS STATE.