



***ARIZONA STATE SENATE***  
***Fifty-First Legislature, Second Regular Session***

**AMENDED**  
**FACT SHEET FOR S.B. 1156**

**prohibited electronic data; metadata collection**

**Purpose**

Prohibits state and local agencies, including corporations providing services on their behalf, 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**

Title 41, Chapter 9 of Arizona Revised Statutes contains the state government's laws regarding civil rights. Within Chapter 9 there are articles of law relating to the following: Arizona's Civil Rights Division and Civil Rights Advisory Board; voting rights; public accommodations; discrimination in employment; enforcement procedures for discrimination in voting rights or public accommodations; enforcement procedures for discrimination in employment; fair housing; public accommodation services; and the free exercise of religion (A.R.S. § 41-1401 et al.). S.B. 1156 would establish a new article of law within Arizona's civil rights statutes with regard to the prohibited collection of electronic data or metadata without a warrant.

The Fourth Amendment of the United States 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 the search would be unreasonable, the Fourth Amendment requires the issuance of warrants based on probable cause that describe 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, or corporations providing services on their behalf 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, 2015, 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 providing 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.
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 rules, orders, ordinances or policies intentionally violating the above provisions.
  3. Disqualifies any state agent or employee who knowingly violates the above provisions from service on any commission, deems that office vacant, and forever prohibits the violator from holding any state office.
  4. Stipulates that any person or corporation that provides services to or on behalf of the state and knowingly violates the above provisions is forever ineligible to provide services to the state or its political subdivisions.
  5. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Adds a culpable mental state of *knowingly* as it relates to the ineligibility of a person or corporation to provide services to or on behalf of the state.

Senate Action

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Prepared by Senate Research

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