

AMENDED IN SENATE MAY 6, 2014
AMENDED IN SENATE APRIL 21, 2014

SENATE BILL

No. 828

**Introduced by Senators Lieu and Anderson
(Coauthor: Senator Padilla)**

January 6, 2014

An act to add Chapter 32.5 (commencing with Section 7599) to Division 7 of Title 1 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 828, as amended, Lieu. Assistance to federal agencies.

The United States Constitution provides that it and other federal laws are the supreme law of the land. The 4th Amendment to the United States Constitution sets forth the right against unreasonable searches and seizures by the federal government and prohibits a federal warrant from being issued unless there is probable cause, supported by an oath or affirmation, that particularly describes the place to be searched, and the person or thing to be seized.

This bill would enact the 4th Amendment Protection Act and prohibit the state from providing material support, participation, or assistance to any federal agency attempting the illegal and unconstitutional collection of electronic data or metadata, without consent, of any person not based on a *valid* warrant that particularly describes the person, place, and thing to be searched or ~~seized~~, *seized or a court order*, or in accordance with judicially recognized exceptions to warrant requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 32.5 (commencing with Section 7599)
2 is added to Division 7 of Title 1 of the Government Code, to read:
3
4 CHAPTER 32.5. THE 4TH AMENDMENT PROTECTION ACT
5
6 7599. The state shall not provide material support, participation,
7 or assistance to any federal agency attempting the illegal and
8 unconstitutional collection of electronic data or metadata, without
9 consent, of any person not based on a *valid* warrant that particularly
10 describes the person, place, and thing to be searched or ~~seized,~~
11 *seized or a court order*; or in accordance with judicially recognized
12 exceptions to warrant requirements.

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