
HOUSE BILL 2272

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Taylor, Moscoso, Shea, Overstreet, Scott, Blake, and Condotta

Read first time 01/15/14. Referred to Committee on Judiciary.

1 AN ACT Relating to the Fourth Amendment protection act; adding a
2 new chapter to Title 42 RCW; prescribing penalties; and declaring an
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** This act may be known and cited as the
6 Fourth Amendment protection act.

7 NEW SECTION. **Sec. 2.** It is the policy of this state to refuse
8 material support, participation, or assistance to any federal agency
9 which claims the power, or with any federal law, rule, regulation, or
10 order which purports to authorize, the collection of electronic data or
11 metadata of any person pursuant to any action not based on a warrant
12 that particularly describes the person, place, and thing to be searched
13 or seized.

14 NEW SECTION. **Sec. 3.** Notwithstanding any law, regulation, rule,
15 or order to the contrary, an agency of this state, political
16 subdivision of this state, or employee of an agency or political

1 subdivision of this state acting in his or her official capacity, or
2 corporation providing services on behalf of this state or a political
3 subdivision of this state, may not:

4 (1) Provide material support, participation, or assistance in any
5 form with any federal agency which claims the power, or with any
6 federal law, rule, regulation, or order which purports to authorize,
7 the collection of electronic data or metadata of any person pursuant to
8 any action not based on a warrant that particularly describes the
9 person, place, and thing to be searched or seized;

10 (2) Utilize any assets, state funds, or funds allocated by the
11 state to local entities on or after the effective date of this section,
12 in whole or in part, to engage in any activity that aids a federal
13 agency, federal agent, or corporation providing services to the federal
14 government in the collection of electronic data or metadata of any
15 person pursuant to any action not based on a warrant that particularly
16 describes the person, place, and thing to be searched or seized;

17 (3) Provide services, or participate or assist in any way with the
18 providing of services, to a federal agency, federal agent, or
19 corporation providing services to the federal government which is
20 involved in the collection of electronic data or metadata of any person
21 pursuant to any action not based on a warrant that particularly
22 describes the person, place, and thing to be searched or seized;

23 (4) Use any information in a criminal investigation or prosecution
24 provided by any federal agency, agent, or corporation providing
25 services to the federal government, which was obtained through the
26 collection of electronic data or metadata of any person pursuant to any
27 action not based on a warrant that particularly describes the person,
28 place, and thing to be searched or seized.

29 NEW SECTION. **Sec. 4.** (1) A political subdivision of this state
30 may not receive state grant funds if the political subdivision adopts
31 a rule, order, ordinance, or policy under which the political
32 subdivision violates section 3 of this act. State grant funds for the
33 political subdivision must be denied for the fiscal year following the
34 year in which a final judicial determination in an action brought under
35 this section is made that the political subdivision has intentionally
36 required actions which violate the prohibitions in section 3 of this
37 act.

1 (2) Any agent or employee of this state or of any political
2 subdivision of this state who knowingly violates the prohibitions in
3 section 3 of this act is deemed to have resigned any commission from
4 the state of Washington which he or she may possess, his or her office
5 is deemed vacant, and he or she is forever ineligible to any office of
6 trust, honor, or emolument under the laws of this state.

7 (3) Any corporation or person that provides services to or on
8 behalf of this state and violates the prohibitions of section 3 of this
9 act is forever ineligible to act on behalf of, or provide services to,
10 this state or any political subdivision of this state.

11 (4) Any officer, employee, or agent, of this state or of any
12 political subdivision of this state who knowingly violates the
13 prohibitions in section 3 of this act is guilty of a gross misdemeanor.

14 (5) Any corporation or person providing services to or on behalf of
15 this state knowing that the provision violates the prohibitions in
16 section 3 of this act is guilty of a misdemeanor.

17 (6) The attorney general, prosecuting attorney, city attorney, city
18 prosecutor, or any citizen of the county, may maintain an action
19 against the state or political subdivision, any agent or employee of
20 the state or political subdivision, or any corporation or person
21 providing services to or on behalf of the state or political
22 subdivision to abate and perpetually enjoin any violation of the
23 prohibitions in section 3 of this act. A citizen who brings an action
24 under this subsection (6) and prevails is entitled to actual damages,
25 including damages to the citizen's business or reputation, caused by
26 the violation and reasonable attorneys' fees and other costs of
27 litigation. An action may not be maintained against any public
28 official or citizen for bringing an action when the action was brought
29 in good faith.

30 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute
31 a new chapter in Title 42 RCW.

32 NEW SECTION. **Sec. 6.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other
35 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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