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**HOUSE BILL 1193**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Taylor, Shea, McCaslin, Young, and J. Walsh

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

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

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

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

NEW SECTION. **Sec.**  Notwithstanding any law, regulation, rule, or order to the contrary, an agency of this state, political subdivision of this state, or employee of an agency or political subdivision of this state acting in his or her official capacity, or corporation providing services on behalf of this state or a political subdivision of this state, may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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