

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 2104, Page 1, Section A, Line 4, by  
2 inserting the following after all of said line:

3  
4 "1.500. 1. This section shall be known and may be cited as the "Fourth Amendment Rights  
5 Protection Act".

6 2. As used in this section, the following terms mean:

7 (1) "Electronic data", information related to an electronic communication or the use of an  
8 electronic communication service including, but not limited to, the contents, sender, recipients, or  
9 format of an electronic communication; the precise or proximate location of the sender or recipients  
10 of an electronic communication at any time during the communication; the time or date the  
11 communication was created, sent, or received; and the identity of an individual or device involved  
12 in the communication including, but not limited to, an internet protocol address. The term  
13 "electronic data" shall not include subscriber information;

14 (2) "Metadata", information generally not visible when an electronic document is printed  
15 describing the history, tracking, or management of an electronic document, including information  
16 about data in the electronic document that describes how, when, and by whom the data were  
17 collected, created, accessed, or modified and how the data are formed. The term "metadata" shall  
18 not include a spreadsheet formula, a database field, an externally or internally linked file, or a  
19 reference to an external file or hyperlink.

20 3. This state and its agencies, political subdivisions, special districts, or employees shall not  
21 assist, participate with, or provide material support or resources to a federal agency to enable it to  
22 collect or facilitate in the collection or use of a person's electronic data or metadata unless one or  
23 more of the following circumstances apply:

24 (1) The person has given informed consent;

25 (2) The action is pursuant to a warrant that is based upon probable cause and particularly  
26 describes the person, place, or thing to be searched or seized; or

27 (3) The action is in accordance with a legally recognized exception to the warrant  
28 requirement.

29 4. The attorney general shall enforce the provisions of this section in accordance with the  
30 Constitution of the United States and the Constitution of Missouri."; and  
31

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 Further amend said bill, Page 10, Section 542.420, Line 7, by inserting the following after all of  
2 said line:

3  
4 "Section B. Because immediate action is necessary to protect the privacy of the citizens of  
5 this state, section 1.500 of section A of this act is deemed necessary for the immediate preservation  
6 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act  
7 within the meaning of the constitution, and section 1.500 of section A of this act shall be in full  
8 force and effect upon its passage and approval."; and

9  
10 Further amend said bill by amending the title, enacting clause, and intersectional references  
11 accordingly.