

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1593

5 By: Representatives Long, M. Brown
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS FOURTH AMENDMENT
9 PROTECTION ACT; TO AMEND THE LAW CONCERNING THE
10 COLLECTION OF ELECTRONIC DATA AND METADATA; AND FOR
11 OTHER PURPOSES.
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Subtitle

14 TO CREATE THE ARKANSAS FOURTH AMENDMENT
15 PROTECTION ACT; AND TO AMEND THE LAW
16 CONCERNING THE COLLECTION OF ELECTRONIC
17 DATA AND METADATA.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 25, Chapter 1, is amended to add an
24 additional subchapter to read as follows:
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Subchapter 10 – Arkansas Fourth Amendment Protection Act

25-1-1001. Title.

26 This subchapter shall be known and may be cited as the "Arkansas Fourth
27 Amendment Protection Act".
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25-1-1002. Definitions.

As used in this subchapter:

29 (1) "Electronic data" means an information related to an
30 electronic communication or the use of an electronic communication service,
31 including without limitation:
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1 (A) The content, sender, recipient, or format of an
 2 electronic communication;

3 (B) The precise or approximate location of the sender or
 4 recipient of an electronic communication at any time during the
 5 communication;

6 (C) The time or date the electronic communication was
 7 created, sent, or received; and

8 (D) The identity of an individual or device involved in
 9 the electronic communication, including without limitation an internet
 10 protocol address;

11 (2) "Metadata" means information generally not visible when an
 12 electronic document is printed describing the history, tracking, or
 13 management of the electronic document, including without limitation:

14 (A) Information about data in the electronic document that
 15 describes how, when, and by whom the data were collected, created, accessed,
 16 or modified; and

17 (B) How the data are formatted; and

18 (3) "State entity" means an instrumentality of state government,
 19 including without limitation a board, commission, committee, advisory board,
 20 office, department, institution, bureau, council, administrative program,
 21 agency, or division.

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 23 25-1-1003. State entities prohibited from assisting federal agencies
 24 collecting electronic data or metadata.

25 The state or a state entity shall not assist, participate with, or
 26 provide material support or resources to enable or facilitate a United States
 27 Government agency in the collection or use of an individual's electronic data
 28 or metadata, unless one (1) or more of the following apply:

29 (1) The individual has given informed consent; or

30 (2) The collection or use of the electronic data or metadata is:

31 (A) Pursuant to a warrant that:

32 (i) Is based upon probable cause; and

33 (ii) Particularly describes the individual, place,
 34 or thing to be searched or seized; or

35 (B) According to a legally recognized exception to the
 36 warrant requirements.