

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1593

By: Representatives Long, M. Brown

For An Act To Be Entitled

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

Subtitle

TO CREATE THE ARKANSAS FOURTH AMENDMENT PROTECTION ACT; AND TO AMEND THE LAW CONCERNING THE COLLECTION OF ELECTRONIC DATA AND METADATA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 25, Chapter 1, is amended to add an additional subchapter to read as follows:

Subchapter 10 – Arkansas Fourth Amendment Protection Act

25-1-1001. Title.

This subchapter shall be known and may be cited as the "Arkansas Fourth Amendment Protection Act".

25-1-1002. Definitions.

As used in this subchapter:

(1) "Electronic data" means an information related to an electronic communication or the use of an electronic communication service, including without limitation:



(A) The content, sender, recipient, or format of an electronic communication;

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

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

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

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

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

(B) How the data are formatted; and

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

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

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

(1) The individual has given informed consent; or

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

(A) Pursuant to a warrant that:

(i) Is based upon probable cause; and

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

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