AN ACT enacting the fourth amendment preservation and protection act of 2014.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) As used in this section, the term "system of records" means any group of records from which information is retrieved by the name of the individual or by some identifying number, symbol or other identifying particular associated with such individual.

(b) Except as provided by subsections (c) and (d): (1) All local and state governments are prohibited from possessing or attempting to possess information relating to an individual or group of individuals held by a third-party in a system of records; and (2) no such information shall be subject to discovery, subpoena or other means of legal compulsion for its release to any person or entity or be admissible in evidence in any judicial or administrative proceeding.

(c) A local or state government may obtain or seek to obtain information relating to an individual held by a third-party system of records if:

(1) The individual whose name or identification information the local or state government is using to access the information provides express and informed consent to the search; or

(2) the local or state government obtains a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(d) A court may issue an order requiring the discovery, subpoena or other means of legal compulsion of information relating to an individual or group of individuals held by a third-party in a system of records if:

(1) The individual whose name or identification information the local or state government is using to access the information provides express and informed consent to the search; or

(2) a local or state government seeks a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(e) Nothing in this section shall be construed as requiring a search warrant for cellular location information in an emergency situation pursuant to K.S.A. 2013 Supp. 22-4615, and amendments thereto.
(f) This section shall be known and may be cited as the fourth amendment preservation and protection act of 2014.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.