

## HOUSE BILL No. 2421

By Representative Hildabrand

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1 AN ACT enacting the fourth amendment preservation and protection act of  
2 2014.

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

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

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

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

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

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

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

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

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

34 (e) Nothing in this section shall be construed as requiring a search  
35 warrant for cellular location information in an emergency situation  
36 pursuant to K.S.A. 2013 Supp. 22-4615, and amendments thereto.

1       (f) This section shall be known and may be cited as the fourth  
2 amendment preservation and protection act of 2014.

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

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