

Senate File 2172 - Introduced

SENATE FILE 2172

BY CHAPMAN

A BILL FOR

1 An Act relating to providing material support to federal
2 agencies under certain circumstances, providing penalties,
3 and including effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 823.1 Prohibitions.

2 Notwithstanding any law, regulation, or order to the
3 contrary, an agency of this state, political subdivision
4 of this state, or employee of such an agency or political
5 subdivision acting in the employee's official capacity, or
6 corporation providing services on behalf of this state or a
7 political subdivision of this state shall not do any of the
8 following:

9 1. Provide material support for, participation with, or
10 assistance to, in any form, any federal agency which claims the
11 power, or which purports due to any federal law, regulation,
12 or order, to authorize the collection of electronic data or
13 metadata of any person pursuant to any action not based on a
14 warrant that particularly describes the person, place, or thing
15 to be searched or seized.

16 2. Utilize any assets, state funds, or funds allocated by
17 the state to local entities, in whole or in part, to engage
18 in any activity that aids a federal agency, federal agent, or
19 corporation providing services to the federal government in
20 the collection of electronic data or metadata of any person
21 pursuant to any action not based on a warrant that particularly
22 describes the person, place, or thing to be searched or seized.

23 3. Provide services, or participate or assist in any way
24 with the provision of services to a federal agency, federal
25 agent, or corporation providing services to the federal
26 government which is involved in the collection of electronic
27 data or metadata of any person pursuant to any action not based
28 on a warrant that particularly describes the person, place, or
29 thing to be searched or seized.

30 4. Use any information in a criminal investigation or
31 prosecution conducted by a federal agency, federal agent, or
32 corporation providing services to the federal government,
33 which was obtained through the collection of electronic data
34 or metadata of any person pursuant to any action not based on a
35 warrant that particularly describes the person, place, or thing

1 to be searched or seized.

2 Sec. 2. NEW SECTION. 823.2 Penalties.

3 1. A political subdivision of this state shall not receive
4 state grant funds if the political subdivision adopts a
5 rule, order, ordinance, or policy under which the political
6 subdivision violates the prohibitions of section 823.1. State
7 grant funds for the political subdivision shall be denied for
8 the fiscal year following the year in which a final judicial
9 determination in an action brought under this section is made
10 that the political subdivision has intentionally required
11 actions which violate the prohibitions of section 823.1.

12 2. An agent or employee of this state, or of a political
13 subdivision of this state, who knowingly violates the
14 prohibitions of section 823.1, is guilty of a serious
15 misdemeanor.

16 3. A corporation or person that provides services to or on
17 behalf of this state and violates the prohibitions of section
18 823.1 shall be forever ineligible to act on behalf of, or to
19 provide services to, this state or a political subdivision of
20 this state.

21 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to providing material support to federal
27 agencies under certain circumstances.

28 The bill prohibits an agency of this state, political
29 subdivision of this state, or employee of an agency or
30 political subdivision acting in the employee's official
31 capacity, or corporation providing services on behalf of this
32 state or a political subdivision of this state from doing
33 any of the following without a search warrant: providing
34 material support for, participation with, or assistance in
35 any form, to any federal agency that collects electronic

1 data or metadata; utilizing any assets, state funds, or
2 funds allocated by the state to local entities that support
3 any activity that aids a federal agency, federal agent, or
4 corporation providing services to the federal government in the
5 collection of electronic data or metadata; providing services,
6 or participating or assisting in any way with the provision of
7 services to a federal agency, federal agent, or corporation
8 providing services to the federal government which is involved
9 in the collection of electronic data or metadata; and using
10 any information in a criminal investigation or prosecution
11 conducted by a federal agency, federal agent, or corporation
12 providing services to the federal government, which was
13 obtained through the collection of electronic data or metadata.

14 Under the bill, a political subdivision of this state is
15 prohibited from receiving state grant funds if the political
16 subdivision adopts an ordinance or policy under which the
17 political subdivision violates the bill. State grant funds for
18 the political subdivision shall be denied under the bill for
19 the fiscal year following the year in which a final judicial
20 determination in an action brought under the bill is made that
21 the political subdivision has intentionally required actions
22 which violate the prohibitions of the bill.

23 Any agent or employee of this state, or of any political
24 subdivision of this state, who knowingly violates the bill, is
25 guilty of a serious misdemeanor.

26 Any corporation or person that provides services to or on
27 behalf of this state and violates the prohibitions of the bill,
28 shall be forever ineligible to act on behalf of, or provide
29 services to, this state or any political subdivision of this
30 state.

31 The bill takes effect upon enactment.