

113TH CONGRESS
1ST SESSION

S. 1037

To ensure adequate protection of the rights under the Fourth Amendment to the Constitution of the United States.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To ensure adequate protection of the rights under the Fourth Amendment to the Constitution of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fourth Amendment
5 Preservation and Protection Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that the right under the Fourth
8 Amendment to the Constitution of the United States of
9 the people to be secure in their persons, houses, papers,
10 and effects against unreasonable searches and seizures is

1 violated when the Federal Government or a State or local
2 government acquires information voluntarily relinquished
3 by a person to another party for a limited business pur-
4 pose without the express informed consent of the person
5 to the specific request by the Federal Government or a
6 State or local government or a warrant, upon probable
7 cause, supported by oath or affirmation, and particularly
8 describing the place to be searched, and the persons or
9 things to be seized.

10 **SEC. 3. DEFINITION.**

11 In this Act, the term “system of records” means any
12 group of records from which information is retrieved by
13 the name of the individual or by some identifying number,
14 symbol, or other identifying particular associated with the
15 individual.

16 **SEC. 4. PROHIBITION.**

17 (a) IN GENERAL.—Except as provided in subsection
18 (b), the Federal Government and a State or local govern-
19 ment is prohibited from obtaining or seeking to obtain in-
20 formation relating to an individual or group of individuals
21 held by a third-party in a system of records, and no such
22 information shall be admissible in a criminal prosecution
23 in a court of law.

24 (b) EXCEPTION.—The Federal Government or a
25 State or local government may obtain, and a court may

1 admit, information relating to an individual held by a
2 third-party in a system of records if—

3 (1) the individual whose name or identification
4 information the Federal Government or State or
5 local government is using to access the information
6 provides express and informed consent to the search;
7 or

8 (2) the Federal Government or State or local
9 government obtains a warrant, upon probable cause,
10 supported by oath or affirmation, and particularly
11 describing the place to be searched, and the persons
12 or things to be seized.

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