

1 **§6. Unreasonable searches and seizures prohibited.**

2 The rights of the citizens to be secure in their houses,
3 persons, papers and effects, against unreasonable searches and
4 seizures, shall not be violated. No warrant shall issue except
5 upon probable cause, supported by oath or affirmation, particularly
6 describing the place to be searched, or the person or thing to be
7 seized. A warrant is not required for an agent of the government
8 to use electronic surveillance to obtain information, in the home
9 of a person, when the use of such electronic surveillance is not
10 prohibited by the fourth amendment to the United States
11 Constitution under decisions of the United States Supreme Court
12 when construing the fourth amendment.

13 *Resolved further,* That in accordance with the provisions of
14 article eleven, chapter three of the Code of West Virginia, 1931,
15 as amended, such proposed amendment is hereby numbered "Amendment
16 No. 1" and designated as the "Warrantless searches of homes by
17 electronic surveillance home searched amendment," and the purpose
18 of the proposed amendment is summarized as follows: "To allow use
19 of electronic surveillance in a person's home by the government
20 without a warrant when not prohibited by the United States
21 Constitution."

NOTE: The purpose of this resolution is to propose an amendment to the State Constitution that would allow an agent of the government, without first obtaining a warrant, to obtain information or evidence by means of electronic surveillance in the

home of a person in instances where this is not prohibited by the Fourth Amendment to the United States Constitution.

Strike-throughs indicate language that would be stricken from the present Constitution, and underscoring indicates new language that would be added.