WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2431

By Delegates Anders, White, Coop-Gonzalez, Kump, Kimble, Dean, and Bridges

[Introduced February 17, 2025; referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by inserting a new article thereto, designated §15-17-1, §15-17-2, §15-17-3, §15-17-4, §15-17-5, and §15-17-6; relating to prohibiting law-enforcement officers and political subdivision officials from utilizing certain surveillance and artificial intelligence technologies; setting forth legislative findings; setting forth penalties; and providing for a private cause of action.

Be it enacted by the Legislature of West Virginia:

Chaper 15. Public Safety.

Article 17. Fourth Amendment Restoration Act.

§15-17-1. Short Title.

This article shall be known as the "Fourth Amendment Restoration Act".

§15-17-2. Legislative Findings.

The Legislature hereby finds and declares that the Fourth Amendment to the Constitution of the United States of America provides that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized"; that Article 3-5 of the Constitution of the State of West Virginia provides that "The rights of citizens of this state to be secure in their houses, persons, papers, and effects, against unreasonable searches and seizures, shall not be violated. No warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, or the person or thing to be searched"; that innovations in surveillance and artificial intelligence pose unique threats to the constitutional protections against unreasonable searches and seizures; that said innovations have outpaced the judiciary's ability to determine whether law enforcement's use of such innovations are constitutional; and that, therefore, the Legislature finds and declares that law enforcement's use of certain technological innovations in surveillance and artificial intelligence are inherently unreasonable and unconstitutional.

§15-17-3. Prohibition against unreasonable surveillance and artificial intelligence technologies.

Use of the following technologies by law enforcement constitutes unreasonable searches and may not be used by any law-enforcement officer or any person for law enforcement purposes unless a warrant has been issued authorizing such use against a specific person based upon probable cause:

(a) Real Time Security monitoring;

(b) Multimodal vehicle recognition;

(c) Facial recognition;

(d) Gun or firearm recognition;

(e) Surveillance drones;

(f) License plate readers; and

(g) Digital identity ecosystems.

§15-17-4. Penalties

(a) Any law-enforcement officer or political subdivision official who, by any means, knowingly and willfully utilizes any of the technologies prohibited by §15-17-3 is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than one year and one day and fined not less than $10,000 per occurrence.

(b) No political subdivisions in this state may implement or utilize any of the technologies prohibited by §15-17-3, and any political subdivision that has implemented or utilized any such technologies prior to passage of this article must immediately discontinue such implementation or use. Any political subdivision official who refuses to comply with this subsection shall be guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility for not less than one year and one day and fined not less than $10,000 per occurrence.

§15-17-5. Private cause of action.

Any person whose rights have been violated by a law-enforcement officer or political subdivision official's use of any of the technologies prohibited by §15-17-3 shall have a private cause of action against the offending officer or official.

§15-17-6. Effective upon passage.

The provisions set forth in this article are effective upon passage.

NOTE: The purpose of this bill is to prohibit law-enforcement officers and political subdivision officials from utilizing, implementing, adopting, or continuing the use of certain specified surveillance and artificial intelligence technologies.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.