

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4682

By Delegates Anders, Kump, Kimble, Horst, Ferrell,
and Dillon

[Introduced January 21, 2026; referred to the
Committee on the Judiciary]

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

Be it enacted by the Legislature of West Virginia:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 17. FOURTH AMENDMENT RESTORATION ACT.

§15-17-1. Short Title.

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

§15-17-2. Legislative Findings.

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

15 inherently unreasonable and unconstitutional.

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

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

5 (a) Real Time Security monitoring;

6 (b) Multimodal vehicle recognition;

7 (c) Facial recognition;

8 (d) Gun or firearm recognition;

9 (e) Surveillance drones;

10 (f) License plate readers; and

11 (g) Digital identity ecosystems.

§15-17-4. Penalties

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

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

§15-17-5. Private cause of action.

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

§15-17-6. Effective upon passage.

- 1 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.