



# Say No To Big Brother Act

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AN ACT to amend the Civil Rights Law, in relation to prohibiting biometric surveillance technology by law enforcement; in relation to imposing restrictions upon the use of drones for law enforcement; in relation to prohibiting the state from retaining biometric .

*WHEREAS* law enforcement agencies such as the FBI have compiled the biometric data of thousands of Americans in the [Next Generation Identification System](#).

*WHEREAS* the NSA, in conjunction with major corporations such as AT&T, has engaged in [illegal surveillance of the communications of millions of Americans](#).

*WHEREAS* the [Court of Justice of the European Union found that the American mass surveillance program is completely unnecessary](#).

*WHEREAS* [mass surveillance programs result in less attention being paid to actual suspects of crimes](#).

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*Authored by /u/darthholo on 02/25/2021.*

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THE PEOPLE OF THE ATLANTIC COMMONWEALTH, REPRESENTED IN ASSEMBLY, DO ENACT AS FOLLOWS:

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## SECTION I. SHORT TITLE

(a) This Act may be entitled the “Say No To Big Brother Act.”

## SECTION II. PROVISIONS

- (a) [Article 5 of the Atlantic Commonwealth Civil Rights Law](#) is amended by adding a new section 52-c. Restrictions on biometric surveillance to read as follows—
1. For the purposes of this section, the following terms shall have the following meanings—
    - a. “Surveillance information” means any information about an individual, including but not limited to their name, date of birth, gender, sex, sexual orientation, criminal background, or aggregate location data.
    - b. “Biometric information” means any measurable physical, biological, physiological, or behavioral characteristics that are attributable to an individual person, relating to faces, hands, fingers or fingerprints, eyes, voices, or other characteristics that can be used in order to establish an individual identity, including but not limited to fingerprints, handprints, retina and iris patterns, DNA sequence, voice, gait, or facial geometry.
    - c. “Biometric surveillance” means an automated or semi-automated process by which a person is identified based on their biometric influence or by which surveillance information is generated using biometric information.
    - d. “Biometric surveillance system” means any database, software, or application that performs biometric surveillance or collects, stores or shares biometric or surveillance information.
  2. No government agency, including law enforcement, shall acquire, possess, access, install, or use any biometric surveillance system, or any surveillance or biometric information derived from the use of a biometric surveillance system while in the course of their job duties or using information obtained, processed, or accessed in the course of their job duties.
  3. This section does not preclude a law enforcement officer from lawfully using a mobile fingerprint scanning device during a lawful detention to identify a person who does not have proof of identity if such officer has reasonable cause to arrest such person provided that the biometric or surveillance information gathered or retained through the use of such device is used solely for purposes permitted by this section.
  4. In addition to any other sanctions, penalties, or remedies provided by law, a person may bring an action for relief in a court of competent jurisdiction against a government agency and or or law enforcement officer that violates this section.
- (b) [Article 5 of the Atlantic Commonwealth Civil Rights Law](#) is amended by adding a new section 52-d. Restrictions on law enforcement drones to read as follows—
1. “Drone” means an aerial vehicle, balloon float, or other device without a human operator that uses fuel or aerodynamic forces to provide lift.

2. The use of drones to collect data by government agencies, including but not limited to law enforcement, at protests, demonstrations, public assemblies, or other actions protected by the first amendment to the United States constitution is prohibited.
3. A search warrant, issued upon a finding of probable cause, shall be required for any use of drones by a government agency, including but not limited to law enforcement, that is not specifically prohibited by this section. Such search warrants may not permit the use of drones for purposeful or incidental collection of data at protests, demonstrations, public assemblies, or other actions protected by the first amendment to the United States constitution.
4. Government agencies, including but not limited to law enforcement, are prohibited from owning, possessing, maintaining, or using drones equipped with biometric surveillance technology and any such biometric or surveillance information currently in law enforcement possessed or maintained by law enforcement shall be deleted without transfer to any other device, private person, company, or government agency.
5. Government agencies, including but not limited to law enforcement, are prohibited from owning, possessing, maintaining, or using drones equipped with any weapon or device for crowd control.
6. The use by a government agency, including but not limited to law enforcement, of any drone owned, controlled, or maintained by a private individual, company, or any government agency shall also be subject to the provisions of this section.

### **SECTION III. SEVERABILITY**

- (a) If any provision of this Act shall be found unconstitutional, unenforceable, or otherwise stricken, the remainder of the Act shall remain in full force and effect.

### **SECTION IV. ENACTMENT**

- (a) This Act shall take effect thirty days following its successful passage.
- (b) This Act shall take precedence over all other pieces of legislation that might contradict it.