

By: Representative Mickens

To: Judiciary A

HOUSE BILL NO. 1138

1 AN ACT TO PROHIBIT GOVERNMENTAL ENTITIES FROM USING  
2 REVERSE-LOCATION COURT ORDERS, REVERSE-KEYWORD COURT ORDERS,  
3 REVERSE-LOCATION REQUESTS AND REVERSE-KEYWORD REQUESTS; TO PROVIDE  
4 DEFINITIONS FOR THE ORDERS; TO AUTHORIZE A RIGHT OF ACTION IF A  
5 GOVERNMENTAL ENTITY USES SUCH; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) The following words shall have the meanings  
8 described in this section, unless the context indicates otherwise.

9 (a) "Government entity" means the state, county or  
10 municipality or any agency, department, political subdivision  
11 thereof, or any individual acting for or on behalf of the state or  
12 a political subdivision thereof.

13 (b) "Reverse-keyword court order" shall mean any court  
14 order, including a search warrant, compelling the disclosure of  
15 records or information identifying any unnamed persons, by name or  
16 other unique identifier, who electronically searched for a  
17 particular word(s), phrase(s), or website(s), or who visited a  
18 particular website through a link generated by such a search,



19 regardless of whether or not the order is limited to a specific  
20 geographic area or time frame.

21 (c) "Reverse-keyword request" shall mean any request,  
22 in the absence of a court order, by any government entity for the  
23 voluntary provision of records or information identifying any  
24 unnamed persons, by name or other unique identifier, who  
25 electronically searched for a particular word(s), phrase(s), or  
26 website(s), or who visited a particular website through a link  
27 generated by such a search, regardless of whether or not the  
28 request is limited to a specific geographic area or time frame.

29 (d) "Reverse-location court order" shall mean any court  
30 order, including a search warrant, compelling the disclosure of  
31 records or information pertaining to the location of unspecified  
32 electronic devices or their unnamed users or owners, whose scope  
33 extends to an unknown number of electronic devices present in a  
34 given geographic area at a given time, whether such location is  
35 measured via global positioning system coordinates, cell tower  
36 connectivity, wi-fi positioning, or any other form of location  
37 detection.

38 (e) "Reverse-location request" shall mean any request,  
39 in the absence of a court order, by any government entity for the  
40 voluntary provision of records or information pertaining to the  
41 location of unspecified electronic devices or their unnamed users  
42 or owners, whose scope extends to an unknown number of electronic  
43 devices present in a given geographic area at a given time,



44 whether such location is measured via global positioning system  
45 coordinates, cell tower connectivity, wi-fi positioning, or any  
46 other form of location detection.

47 (2) (a) No government entity shall seek, from any court, a  
48 reverse-location court order or a reverse-keyword court order.

49 (b) No government entity shall seek, secure, obtain,  
50 borrow, purchase, or review any information or data obtained  
51 through a reverse-location court order or a reverse-keyword court  
52 order.

53 (c) No court subject to the laws of this state shall  
54 issue a reverse-location court order or a reverse-keyword court  
55 order.

56 (3) (a) No government entity shall make a reverse-location  
57 request or a reverse-keyword request.

58 (b) No government entity shall seek, secure, obtain,  
59 borrow, purchase, or review any information or data obtained  
60 through a reverse-location request or a reverse-keyword request.

61 (c) No government entity shall seek the assistance of  
62 any agency of the federal government or any agency of the  
63 government of another state or subdivision thereof in obtaining  
64 information or data from a reverse-location court order,  
65 reverse-keyword court order, reverse-location request, or  
66 reverse-keyword request if the government entity would be barred  
67 from directly seeking such information under this act.



68 (4) (a) Except as proof of a violation of this act, no  
69 information obtained, accessed, or otherwise secured in violation  
70 of this act, nor any evidence derived therefrom, shall be  
71 admissible in any criminal, civil, administrative, or other  
72 proceeding.

73 (b) For the purposes of this Section, information or  
74 evidence is "derived from" a reverse-location court order,  
75 reverse-keyword court order, reverse-location request, or  
76 reverse-keyword request where the government entity would not have  
77 originally possessed the information or evidence but for the  
78 violative court order or request, and regardless of any claim that  
79 the information or evidence is attenuated from the unlawful order  
80 or request, would inevitably have been discovered, or was  
81 subsequently reobtained through other means.

82 (5) (a) Any person whose name or other identifying  
83 information was obtained by a government entity in violation of  
84 this act:

85 (i) Shall be notified of the violation, in  
86 writing, by the government entity who committed the violation and  
87 of the legal recourse available to that person pursuant to the  
88 provisions of this act; and

89 (ii) May institute a civil action against such  
90 governmental entity for any of the following:

91 1. One Thousand Dollars (\$1,000.00) per  
92 violation or actual damages, whichever is greater;



- 93                   2. Punitive damages;  
94                   3. Injunctive or declaratory relief; and  
95                   4. Any other relief the court deems proper.

96                   (iii) In assessing the amount of punitive damages,  
97 the court shall consider:

98                   1. The number of people whose information was  
99 disclosed;

100                   2. Whether the violation directly or  
101 indirectly targeted persons engaged in the exercise of activities  
102 protected by the Constitution of the United States of America or  
103 the Constitution of the state; and

104                   3. The persistence of violations by the  
105 particular government entity.

106                   (iv) In any successful action brought under this  
107 section, the court shall award reasonable attorneys' fees to a  
108 prevailing plaintiff.

109                   (6) The provisions in this act are severable. If any part or  
110 provision of this act, or the application of this act to any  
111 person, entity, or circumstance, is held invalid, the remainder of  
112 this act, including the application of such part or provision to  
113 other persons, entities, or circumstances, shall not be affected  
114 by such holding and shall continue to have force and effect.

115                   **SECTION 2.** This act shall take effect and be in force from  
116 and after July 1, 2022.

