

# **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]

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

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 is guilty of a felony  
3 and, upon conviction thereof, shall be confined in a correctional facility for not less than one year  
4 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, and any political subdivision that has implemented or utilized any such  
7 technologies prior to passage of this article must immediately discontinue such implementation or  
8 use. Any political subdivision official who refuses to comply with this subsection shall be guilty of a  
9 felony and, upon conviction thereof, shall be confined in a correctional facility for not less than one  
10 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 shall have a private  
3        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.