

HB 1289 -- Smart Meter Regulations

Sponsor: Higdon

This bill prohibits a utility from collecting, storing, using, selling, giving, or transferring by any other means to any person or any other organization, agency, or other group including a law enforcement agency the content of records obtained by electronic monitoring and from retaining records obtained from electronic monitoring that contain identifying information involving electrical meter readings for longer than one year. A first violation of these provisions will be a civil crime with a penalty of not less than \$10,000 per violation nor more than \$25,000 per violation. A second violation will result in a civil penalty of not less than \$100,000 nor more than \$200,000. A court may grant injunctive relief to cease all electronic monitoring and conduct billing by other methods where it is deemed appropriate.

Information obtained in violation of these provisions is inadmissible in a court of law. If any conviction is obtained at a trial by judge and jury where evidence was presented in violation of these provisions, the conviction is null and void and it must be set aside. No retrial on the same or a lesser offense can be allowed. During the one-year period prior to the required destruction of information, a prosecutor may introduce evidence identifying individual residences where the information is obtained by a proper warrant based on the Fourth Amendment standards and state law requirements for reasonable suspicion involving other evidence of criminal wrongdoing.

Aggregate information regarding electricity usage that does not identify individual residences may be maintained indefinitely by a utility.