

1 [Designating the USA PATRIOT Act as a “watch law” under Charter Section 16.124.]

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3 **Resolution designating the USA PATRIOT Act as a “watch law” under Charter**
4 **Section 16.124.**

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6 WHEREAS, Charter Section 16.124, adopted by the voters of San Francisco at the
7 March 2, 2004 election, authorizes the Board of Supervisors, by resolution, to designate as a
8 “watch law” any state or federal law or regulation that calls for, authorizes, or requires the
9 production by any City officer, employee, agency, department, or office of information,
10 records, or other tangible things held by the City, the disclosure of which could violate the
11 rights of any individuals under the State or Federal Constitutions; and

12 WHEREAS, Pursuant to the further authority provided in Charter Section 16.124, the
13 Board of Supervisors has adopted Administrative Code Section 2.20, which provides that the
14 Board of Supervisors shall respond on behalf of the City and County of San Francisco to all
15 orders or requests for the production of information, records or other tangible things served on
16 the City and County under any law designated as a watch law; and

17 WHEREAS, The “Uniting and Strengthening America by Providing Appropriate Tools
18 Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001” (PL 107-56)
19 includes provisions that would allow the FBI to obtain personal records of San Francisco
20 residents held by the City, such as library circulation records, without a warrant or an
21 independent determination of probable cause by a neutral magistrate, potentially in violation
22 of the Fourth Amendment rights and privacy rights of individuals named or discussed in such
23 records; now, therefore, be it

24 RESOLVED, That this Board of Supervisors designates the USA PATRIOT Act to be a
25 “watch law” under Charter Section 16.124; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
2 to take appropriate steps to inform all City officers, departments, and agencies of this
3 designation and of the procedures for handling watch law orders or requests.

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