

HOUSE BILL 223

E4
HB 1046/22 – JUD

3lr0697
CF SB 192

By: ~~Delegates Moon and Love~~ Delegates Moon, Love, Cardin, Conaway, Grammer,
Kaufman, Pasteur, Phillips, Simpson, Taylor, Toles, and Williams

Introduced and read first time: January 23, 2023

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Facial Recognition Technology – Requirements,**
3 **Procedures, and Prohibitions**

4 FOR the purpose of establishing requirements, procedures, and prohibitions relating to the
5 use of facial recognition technology by a law enforcement agency under certain
6 circumstances; and generally relating to facial recognition technology.

7 BY adding to

8 Article – Criminal Procedure

9 Section 2–501 through 2–510 to be under the new subtitle “Subtitle 5. Facial
10 Recognition Technology”

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2022 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Criminal Procedure**

16 **SUBTITLE 5. FACIAL RECOGNITION TECHNOLOGY.**

17 **2–501.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "FACIAL RECOGNITION TECHNOLOGY" MEANS A COMPUTER PROGRAM, SERVICE, OR OTHER TECHNOLOGY THAT ANALYZES FACIAL FEATURES AND IS USED BY OR AT THE DIRECTION OF A LAW ENFORCEMENT AGENCY FOR THE IDENTIFICATION, VERIFICATION, OR PERSISTENT TRACKING OF INDIVIDUALS IN STILL OR VIDEO IMAGES FOR USE IN CRIMINAL INVESTIGATIONS.

(2) "FACIAL RECOGNITION TECHNOLOGY" DOES NOT INCLUDE TECHNOLOGY:

(I) USED ONLY FOR THE ANALYSIS OF FACIAL FEATURES TO GRANT OR DENY ACCESS TO AN ELECTRONIC DEVICE; OR

(II) THAT USES AN AUTOMATED OR SEMIAUTOMATED PROCESS ONLY FOR THE PURPOSE OF REDACTING A RECORDING OR AN IMAGE FOR RELEASE OR DISCLOSURE OUTSIDE A LAW ENFORCEMENT AGENCY TO PROTECT THE PRIVACY OF A SUBJECT DEPICTED IN THE RECORDING OR IMAGE IF THE PROCESS DOES NOT GENERATE OR RESULT IN THE RETENTION OF ANY BIOMETRIC DATA OR SURVEILLANCE INFORMATION.

(C) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 2-101 OF THE PUBLIC SAFETY ARTICLE.

2-502.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, RESULTS GENERATED BY FACIAL RECOGNITION TECHNOLOGY MAY NOT BE INTRODUCED IN A CRIMINAL PROCEEDING OR IN A DELINQUENCY PROCEEDING UNDER TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, RESULTS GENERATED BY FACIAL RECOGNITION TECHNOLOGY MAY BE CONSIDERED OR INTRODUCED AS EVIDENCE IN CONNECTION WITH A CRIMINAL PROCEEDING ONLY FOR THE PURPOSE OF ESTABLISHING PROBABLE CAUSE OR POSITIVE IDENTIFICATION:

(I) IN CONNECTION WITH THE ISSUANCE OF A WARRANT; OR

(II) AT A PRELIMINARY HEARING.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, RESULTS GENERATED BY FACIAL RECOGNITION TECHNOLOGY MAY NOT SERVE AS

1 THE SOLE BASIS TO ESTABLISH PROBABLE CAUSE OR THE POSITIVE
2 IDENTIFICATION OF AN INDIVIDUAL IN A CRIMINAL INVESTIGATION OR
3 PROCEEDING.

4 (II) PROBABLE CAUSE OR POSITIVE IDENTIFICATION MAY BE
5 ESTABLISHED USING FACIAL RECOGNITION TECHNOLOGY ONLY IF THE RESULTS
6 ARE SUPPORTED BY ADDITIONAL, INDEPENDENTLY OBTAINED EVIDENCE
7 ESTABLISHING PROBABLE CAUSE OR A POSITIVE IDENTIFICATION.

8 2-503.

9 (A) (1) A POLICE OFFICER OR OTHER EMPLOYEE OR AGENT OF A LAW
10 ENFORCEMENT AGENCY MAY NOT, IN THE FURTHERANCE OF A CRIMINAL
11 INVESTIGATION:

12 (I) USE FACIAL RECOGNITION TECHNOLOGY TO INVESTIGATE A
13 CRIME OTHER THAN THE COMMISSION OF OR THE ATTEMPT TO COMMIT:

14 1. A CRIME OF VIOLENCE AS DEFINED IN § 14-101 OF
15 THE CRIMINAL LAW ARTICLE;

16 2. A HUMAN TRAFFICKING OFFENSE UNDER TITLE 3,
17 SUBTITLE 11 OF THE CRIMINAL LAW ARTICLE; ~~OR~~

18 3. FIRST OR SECOND DEGREE CHILD ABUSE UNDER §
19 3-601 OF THE CRIMINAL LAW ARTICLE;

20 4. A CHILD PORNOGRAPHY OFFENSE UNDER § 11-207 OF
21 THE CRIMINAL LAW ARTICLE;

22 5. A HATE CRIME UNDER § 10-304 OF THE CRIMINAL
23 LAW ARTICLE;

24 6. A WEAPON CRIME UNDER § 4-102, § 4-103, §
25 4-203(A)(1)(III), § 4-203(A)(1)(IV), § 4-204, OR § 4-303(A)(2) OF THE CRIMINAL
26 LAW ARTICLE;

27 7. A WEAPON CRIME UNDER § 5-138, § 5-140, § 5-141, §
28 5-207(C)(16), § 5-406(A)(3), OR § 5-703(A) OF THE PUBLIC SAFETY ARTICLE;

29 8. AGGRAVATED CRUELTY TO ANIMALS UNDER § 10-606
30 OR § 10-607 OF THE CRIMINAL LAW ARTICLE;

1 **9. IMPORTATION OF FENTANYL OR A FENTANYL**
2 **ANALOGUE UNDER § 5-614(A)(1)(XII) OF THE CRIMINAL LAW ARTICLE;**

3 ~~3.~~ **10. A CRIMINAL ACT INVOLVING CIRCUMSTANCES**
4 **PRESENTING A SUBSTANTIAL AND ONGOING THREAT TO PUBLIC SAFETY OR**
5 **NATIONAL SECURITY; OR**

6 **11. A CRIME UNDER THE LAWS OF ANOTHER STATE**
7 **SUBSTANTIALLY EQUIVALENT TO A CRIME LISTED IN ITEMS 1 THROUGH 10 OF THIS**
8 **ITEM, INVOLVING A FUGITIVE FROM JUSTICE CHARGED WITH A CRIME IN THAT**
9 **STATE AND SOUGHT UNDER TITLE 9 OF THIS ARTICLE;**

10 **(II) ANALYZE AN IMAGE OR A RECORDING OF AN INDIVIDUAL:**

11 **1. ENGAGED IN ACTIVITY PROTECTED UNDER THE**
12 **UNITED STATES CONSTITUTION, THE MARYLAND CONSTITUTION, OR THE**
13 **MARYLAND DECLARATION OF RIGHTS, UNLESS THERE IS REASONABLE SUSPICION**
14 **TO BELIEVE THAT THE INDIVIDUAL HAS COMMITTED, IS IN THE PROCESS OF**
15 **COMMITTING, OR IS ABOUT TO COMMIT A CRIME; OR**

16 ~~2. SUSPECTED OF BEING A JUVENILE WHO IS~~
17 ~~INELIGIBLE TO BE CHARGED WITH A CRIMINAL ACT UNDER § 3-8A-03 OF THE~~
18 ~~COURTS ARTICLE; OR~~

19 ~~3.~~ **2. WHO IS NOT INTENDED TO BE IDENTIFIED;**

20 **(III) USE FACIAL RECOGNITION TECHNOLOGY TO ANALYZE A**
21 **SKETCH OR MANUALLY PRODUCED IMAGE;**

22 **(IV) DISCLOSE TO A WITNESS IN THE CRIMINAL INVESTIGATION,**
23 **PRIOR TO THE WITNESS PARTICIPATING IN A LIVE IDENTIFICATION OR PHOTO**
24 **ARRAY IDENTIFICATION, THAT A PARTICULAR SUSPECT OR IMAGE OF A SUSPECT**
25 **WAS IDENTIFIED USING FACIAL RECOGNITION TECHNOLOGY; OR**

26 **(V) USE FACIAL RECOGNITION TECHNOLOGY FOR THE PURPOSE**
27 **OF LIVE OR REAL-TIME IDENTIFICATION OF AN IMAGE OR A RECORDING.**

28 ~~(2) AN IMAGE BEING EVALUATED USING FACIAL RECOGNITION~~
29 ~~TECHNOLOGY MAY BE COMPARED ONLY TO IMAGES CONTAINED IN:~~

30 ~~(i) THE DATABASE OF IMAGES OF DRIVER'S LICENSE AND~~
31 ~~IDENTIFICATION CARD PHOTOS MAINTAINED BY THE MOTOR VEHICLE~~
32 ~~ADMINISTRATION OR THE DEPARTMENT OF MOTOR VEHICLES OF ANOTHER STATE;~~
33 ~~OR~~

~~(H) A DATABASE OF MUGSHOT PHOTOS MAINTAINED BY A
LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY OR A LAW ENFORCEMENT
AGENCY OF ANOTHER COUNTRY.~~

~~(3) BEFORE BEING USED FOR ANY PURPOSE IN RELATION TO A
CRIMINAL INVESTIGATION, A RESULT GENERATED BY FACIAL RECOGNITION
TECHNOLOGY SHALL BE INDEPENDENTLY VERIFIED BY AN INDIVIDUAL WHO HAS
COMPLETED TRAINING AND REQUIRED PROFICIENCY TESTING IN ACCORDANCE
WITH § 2-505 OF THIS SUBTITLE.~~

(B) A POLICE OFFICER OR OTHER EMPLOYEE OR AGENT OF A LAW
ENFORCEMENT AGENCY MAY NOT USE FACIAL RECOGNITION TECHNOLOGY TO
IDENTIFY AN INDIVIDUAL SOLELY BASED ON:

(1) THE POLICE OFFICER'S, EMPLOYEE'S, OR AGENT'S PERSONAL
INTEREST NOT RELATED TO LEGITIMATE DUTIES OR OBJECTIVES OF THE LAW
ENFORCEMENT AGENCY;

(2) THE INDIVIDUAL'S POLITICAL OR SOCIAL BELIEFS OR ACTIVITIES;

(3) THE INDIVIDUAL'S PARTICIPATION IN LAWFUL ACTIVITIES; OR

(4) THE INDIVIDUAL'S RACE, COLOR, RELIGIOUS BELIEFS, SEXUAL
ORIENTATION, GENDER, DISABILITY, NATIONAL ORIGIN, OR STATUS AS BEING
HOMELESS.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION
AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A RESULT GENERATED BY
FACIAL RECOGNITION TECHNOLOGY IN VIOLATION OF THIS SECTION AND ALL
OTHER EVIDENCE SUBSEQUENTLY DERIVED FROM THE RESULT MAY NOT BE
INTRODUCED BY THE STATE FOR ANY PURPOSE IN A CRIMINAL COURT PROCEEDING
OR IN A JUVENILE COURT PROCEEDING UNDER TITLE 3, SUBTITLE 8A OF THE
COURTS ARTICLE.

(2) EVIDENCE DERIVED FROM A RESULT GENERATED IN VIOLATION
OF SUBSECTION (A)(1) OF THIS SECTION MAY BE INTRODUCED FOR A PURPOSE
DESCRIBED IN § 2-502 OF THIS SUBTITLE IF THE COURT FINDS THAT THE EVIDENCE
WOULD OTHERWISE BE SUBJECT TO A LEGALLY VALID EXCEPTION TO THE
EXCLUSIONARY RULE.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO ALLOW THE USE
OF A RESULT GENERATED USING FACIAL RECOGNITION TECHNOLOGY TO BE

1 INTRODUCED AS EVIDENCE IN A CRIMINAL TRIAL OR IN AN ADJUDICATORY HEARING
2 HELD UNDER § 3-8A-18 OF THE COURTS ARTICLE.

3 **2-504.**

4 THE STATE SHALL DISCLOSE, IN ACCORDANCE WITH THE MARYLAND RULES
5 REGARDING DISCOVERY, WHETHER FACIAL RECOGNITION TECHNOLOGY HAS BEEN
6 USED IN AN INVESTIGATION RELEVANT TO A CRIMINAL COURT PROCEEDING OR
7 JUVENILE COURT PROCEEDING UNDER TITLE 3, SUBTITLE 8A OF THE COURTS
8 ARTICLE, THE NAME OF EACH FACIAL RECOGNITION SYSTEM USED, A DESCRIPTION
9 OF THE DATABASES SEARCHED, AND ALL RESULTS GENERATED FROM THE USE OF
10 THE FACIAL RECOGNITION TECHNOLOGY THAT LED TO FURTHER INVESTIGATIVE
11 ACTION.

12 **2-505.**

13 (A) A LAW ENFORCEMENT AGENCY THAT USES OR CONTRACTS FOR THE USE
14 OF FACIAL RECOGNITION TECHNOLOGY SHALL DESIGNATE AN EMPLOYEE OF THE
15 LAW ENFORCEMENT AGENCY TO BE RESPONSIBLE FOR OVERSEEING AND
16 ADMINISTERING THE USE OF FACIAL RECOGNITION TECHNOLOGY IN COMPLIANCE
17 WITH THIS SUBTITLE AS WELL AS APPLICABLE LOCAL LAWS, REGULATIONS, AND
18 POLICIES.

19 (B) (1) ON OR BEFORE OCTOBER 1 EACH YEAR, A LAW ENFORCEMENT
20 AGENCY THAT USES OR CONTRACTS FOR THE USE OF FACIAL RECOGNITION
21 TECHNOLOGY SHALL COMPLETE AN AUDIT TO DETERMINE COMPLIANCE WITH THIS
22 SUBTITLE AS WELL AS APPLICABLE LOCAL LAWS, REGULATIONS, AND POLICIES.

23 (2) THE RESULTS OF THE AUDIT CONDUCTED UNDER THIS
24 SUBSECTION, INCLUDING ANY RECORDS, DATA, PAPERS, OR MATERIALS EVALUATED
25 AS PART OF THE AUDIT, SHALL BE:

26 (I) MAINTAINED BY THE LAW ENFORCEMENT AGENCY FOR AT
27 LEAST 3 YEARS AFTER COMPLETION OF THE AUDIT, AFTER WHICH THE LAW
28 ENFORCEMENT AGENCY MAY DESTROY ALL AUDIT MATERIALS; AND

29 (II) UNLESS ALL AUDIT MATERIALS HAVE BEEN DESTROYED IN
30 ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH, DISCLOSED IF REQUESTED BY:

- 31 1. THE ATTORNEY GENERAL;
- 32 2. THE PUBLIC DEFENDER;
- 33 3. A STATE'S ATTORNEY;

1 4. A UNITED STATES ATTORNEY; OR

2 5. A DESIGNEE OF AN INDIVIDUAL DESCRIBED IN ITEMS
3 1 THROUGH 4 OF THIS ITEM.

4 (C) A POLICE OFFICER OR OTHER EMPLOYEE OR AGENT OF A LAW
5 ENFORCEMENT AGENCY AUTHORIZED TO USE FACIAL RECOGNITION TECHNOLOGY
6 IN THE COURSE OF CRIMINAL INVESTIGATIONS SHALL ANNUALLY COMPLETE
7 TRAINING ~~AND PROFICIENCY TESTING~~ ADMINISTERED BY THE DEPARTMENT OF
8 PUBLIC SAFETY AND CORRECTIONAL SERVICES UNDER § 2-506 OF THIS SUBTITLE.
9 2-506.

10 (A) THE DEPARTMENT OF ~~PUBLIC SAFETY AND CORRECTIONAL SERVICES~~
11 STATE POLICE, IN CONSULTATION WITH ANY OTHER RELEVANT STATE AGENCY,
12 SHALL:

13 ~~(1)~~ ADOPT AND PUBLISH A MODEL STATEWIDE POLICY REGARDING
14 THE USE OF FACIAL RECOGNITION TECHNOLOGY;

15 ~~(2)~~ ~~DEVELOP AND ADMINISTER A TRAINING PROGRAM AND~~
16 ~~PROFICIENCY TESTING REGARDING THE USE OF FACIAL RECOGNITION~~
17 ~~TECHNOLOGY IN THE COURSE OF CRIMINAL INVESTIGATIONS, INCLUDING TRAINING~~
18 ~~AND TESTING ON CULTURAL DIVERSITY AND IMPLICIT BIAS;~~

19 ~~(3)~~ ~~REVIEW AND APPROVE A SINGLE FACIAL RECOGNITION~~
20 ~~TECHNOLOGY FOR USE BY LAW ENFORCEMENT AGENCIES IN THE STATE; AND~~

21 ~~(4)~~ ~~PUBLISH ON ITS PUBLIC WEBSITE:~~

22 ~~(I)~~ ~~THE NAME, VERSION, AND VENDOR OF THE FACIAL~~
23 ~~RECOGNITION TECHNOLOGY CURRENTLY APPROVED FOR USE UNDER ITEM (3) OF~~
24 ~~THIS SUBSECTION; AND~~

25 ~~(II)~~ ~~THE NAMES, VERSIONS, AND VENDORS OF ALL FACIAL~~
26 ~~RECOGNITION TECHNOLOGIES THAT THE DEPARTMENT HAS PREVIOUSLY~~
27 ~~APPROVED FOR USE UNDER ITEM (3) OF THIS SUBSECTION.~~

28 (B) A LAW ENFORCEMENT AGENCY MAY NOT USE OR CONTRACT FOR THE
29 USE OF FACIAL RECOGNITION TECHNOLOGY FOR USE IN CRIMINAL INVESTIGATIONS
30 UNLESS:

~~(1) THE USE IS IN ACCORDANCE WITH THE MODEL STATEWIDE POLICY REGARDING THE USE OF FACIAL RECOGNITION TECHNOLOGY ADOPTED AND PUBLISHED UNDER SUBSECTION (A) OF THIS SECTION; AND~~

~~(2) THE FACIAL RECOGNITION TECHNOLOGY IS CURRENTLY APPROVED FOR USE BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES UNDER SUBSECTION (A) OF THIS SECTION.~~

(C) (1) ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL DEVELOP AND ADMINISTER A TRAINING PROGRAM REGARDING THE USE OF FACIAL RECOGNITION TECHNOLOGY IN THE COURSE OF CRIMINAL INVESTIGATIONS, INCLUDING TRAINING ON CULTURAL DIVERSITY AND IMPLICIT BIAS.

(2) IN DEVELOPING THE TRAINING PROGRAM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL EVALUATE THE AVAILABILITY AND RELEVANCE OF ANY PROFICIENCY TESTING REGARDING THE USE OF FACIAL RECOGNITION TECHNOLOGY IN THE COURSE OF CRIMINAL INVESTIGATIONS.

2-507.

THIS SUBTITLE MAY NOT BE CONSTRUED TO RESTRICT THE USE OF FACIAL RECOGNITION TECHNOLOGY FOR THE PURPOSE OF:

(1) IDENTIFYING A MISSING OR DECEASED PERSON OR A PERSON WHO IS INCAPACITATED AND UNABLE TO OTHERWISE PROVIDE THE PERSON'S OWN IDENTITY;

(2) REDACTING A RECORDING OR AN IMAGE FOR RELEASE OR DISCLOSURE TO PROTECT THE PRIVACY OF AN INDIVIDUAL DEPICTED IN A RECORDING OR AN IMAGE;

(3) FORENSIC ANALYSIS OF ELECTRONIC MEDIA SEIZED BY LAW ENFORCEMENT IN RELATION TO A SPECIFIC INVESTIGATION IF THE PERSON IDENTIFIED IN THE ELECTRONIC MEDIA IS NOT THE SUBJECT OF CRIMINAL CHARGES RESULTING FROM THE FORENSIC ANALYSIS;

(4) ENHANCING SECURITY SYSTEMS FOR PREVENTING UNAUTHORIZED ACCESS TO INFORMATION, GOODS, MATERIALS, AREAS, OR OTHER PROPERTIES UNDER THE CUSTODY OR CARE OF A LAW ENFORCEMENT AGENCY; OR

(5) CONDUCTING OTHERWISE LEGITIMATE ACTIVITY UNRELATED TO A CRIMINAL INVESTIGATION.

1 2-508.

2 (A) A LAW ENFORCEMENT AGENCY THAT USES FACIAL RECOGNITION
3 TECHNOLOGY SHALL ADOPT AND MAINTAIN A USE AND DATA MANAGEMENT POLICY.

4 (B) A LAW ENFORCEMENT AGENCY THAT DEVELOPS A POLICY UNDER
5 SUBSECTION (A) OF THIS SECTION SHALL POST A COPY OF THE POLICY ON THE
6 AGENCY'S PUBLIC WEBSITE.

7 (C) A LAW ENFORCEMENT AGENCY THAT CONTRACTS FOR USE OF A
8 NONGOVERNMENT FACIAL RECOGNITION SYSTEM SHALL DISCLOSE ON ITS PUBLIC
9 WEBSITE THE NAME OF THE SYSTEM AND A DESCRIPTION OF THE DATABASES
10 SEARCHED.

11 2-509.

12 A PERSON MAY BRING A CIVIL ACTION AGAINST A LAW ENFORCEMENT AGENCY
13 TO COMPEL COMPLIANCE WITH THIS SUBTITLE.

14 2-510.

15 (A) ON OR BEFORE FEBRUARY 1 EACH YEAR, A LAW ENFORCEMENT AGENCY
16 USING OR CONTRACTING FOR THE USE OF FACIAL RECOGNITION TECHNOLOGY
17 SHALL PREPARE AND PUBLISH AN ANNUAL REPORT THAT DISCLOSES INFORMATION
18 FOR THE PRIOR CALENDAR YEAR, INCLUDING:

19 ~~(1) THE TOTAL NUMBER OF FACIAL RECOGNITION SEARCHES~~
20 ~~PERFORMED BY THE LAW ENFORCEMENT AGENCY AND THE TYPE OF CRIME OR~~
21 ~~INCIDENT ASSOCIATED WITH EACH USE;~~

22 ~~(2) THE TOTAL NUMBER OF POSSIBLE MATCHES RETURNED;~~

23 ~~(3) ANY DATA BREACHES OR UNAUTHORIZED USES OF FACIAL~~
24 ~~RECOGNITION TECHNOLOGY UNDER THE LAW ENFORCEMENT AGENCY'S CONTROL;~~

25 ~~(4) THE EXTENT OF THE USE OF THE FACIAL RECOGNITION~~
26 ~~TECHNOLOGY;~~

27 ~~(5) A DESCRIPTION OF THE PURPOSE OF THE FACIAL RECOGNITION~~
28 ~~TECHNOLOGY, INCLUDING:~~

~~(I) WHETHER RESULTS FROM THE FACIAL RECOGNITION TECHNOLOGY WERE USED TO SUPPORT A DECISION OR AS THE SOLE BASIS FOR MAKING A DECISION; AND~~

~~(II) THE INTENDED BENEFITS OF THE USE OF THE FACIAL RECOGNITION TECHNOLOGY, INCLUDING ANY DATA OR RESEARCH DEMONSTRATING THE INTENDED BENEFITS;~~

~~(6) A DESCRIPTION OF THE GENERAL CAPABILITIES AND LIMITATIONS OF THE FACIAL RECOGNITION TECHNOLOGY, INCLUDING REASONABLY FORESEEABLE CAPABILITIES OUTSIDE THE SCOPE OF THE CURRENT USE OF THE FACIAL RECOGNITION TECHNOLOGY;~~

~~(7) THE TYPE OF DATA INPUTS THAT THE FACIAL RECOGNITION TECHNOLOGY USED;~~

~~(8) THE TYPE OF RESULTS THAT THE FACIAL RECOGNITION TECHNOLOGY GENERATED; AND~~

~~(9) ANY KNOWN OR REASONABLY SUSPECTED VIOLATIONS OF THE MODEL STATEWIDE POLICY OR USE AND DATA MANAGEMENT POLICY, INCLUDING COMPLAINTS ALLEGING VIOLATIONS.~~

(1) THE NAME OF EACH FACIAL RECOGNITION SYSTEM AND A DESCRIPTION OF THE DATABASES SEARCHED;

(2) FOR EACH FACIAL RECOGNITION SYSTEM, THE TOTAL NUMBER OF FACIAL RECOGNITION SEARCHES PERFORMED BY THE LAW ENFORCEMENT AGENCY AND THE TYPE OF CRIME OR INCIDENT ASSOCIATED WITH EACH USE;

(3) THE TOTAL NUMBER OF POSSIBLE MATCHES RETURNED THAT LED TO FURTHER INVESTIGATIVE ACTION; AND

(4) ANY DATA BREACHES OR UNAUTHORIZED USES OF FACIAL RECOGNITION TECHNOLOGY UNDER THE LAW ENFORCEMENT AGENCY'S CONTROL.

(B) ON OR BEFORE MAY 1 EACH YEAR, A LAW ENFORCEMENT AGENCY REQUIRED TO PREPARE A REPORT UNDER SUBSECTION (A) OF THIS SECTION SHALL SUBMIT THE REPORT TO THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.

(C) ON OR BEFORE OCTOBER 1 EACH YEAR, THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT

1 ARTICLE, THE GENERAL ASSEMBLY A REPORT CONSISTING OF THE INFORMATION
2 REPORTED BY LAW ENFORCEMENT AGENCIES UNDER SUBSECTION (B) OF THIS
3 SECTION, DISAGGREGATED BY AGENCY.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.