

HOUSE BILL 338

E2, E4

(4lr1263)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Moon, Arian, Bartlett, Cardin, Grammer, Munoz, Tomlinson, and Williams** Williams, Kaufman, Phillips, and Conaway

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

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; ~~providing that certain provisions of this Act preempt any local law~~
7 ~~governing facial recognition technology~~; and generally relating to facial recognition
8 technology.

9 BY adding to
10 Article – Criminal Procedure
11 Section 2-501 through ~~2-510~~ ~~2-511~~ 2-510 to be under the new subtitle “Subtitle 5.
12 Facial Recognition Technology”
13 Annotated Code of Maryland

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.

Italics indicate opposite chamber / conference committee amendments.



(2018 Replacement Volume and 2023 Supplement)

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

Article – Criminal Procedure

SUBTITLE 5. FACIAL RECOGNITION TECHNOLOGY.

2-501.

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

(B) (1) “FACIAL RECOGNITION TECHNOLOGY” MEANS A COMPUTER PROGRAM, A SERVICE, OR ANY 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.

~~THIS SUBTITLE SUPERSEDES ANY RESTRICTION THAT A LOCAL JURISDICTION IN THE STATE IMPOSES ON THE USE OF FACIAL RECOGNITION TECHNOLOGY BY A LAW ENFORCEMENT AGENCY, AND THE STATE PREEMPTS THE RIGHT OF ANY LOCAL JURISDICTION TO REGULATE THE USE OF FACIAL RECOGNITION TECHNOLOGY BY A LAW ENFORCEMENT AGENCY.~~

1 ~~2-503.~~

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

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

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

12 (II) AT A PRELIMINARY HEARING.

13 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
14 RESULTS GENERATED BY FACIAL RECOGNITION TECHNOLOGY MAY NOT SERVE AS
15 THE SOLE BASIS TO ESTABLISH PROBABLE CAUSE OR THE POSITIVE
16 IDENTIFICATION OF AN INDIVIDUAL IN A CRIMINAL INVESTIGATION OR
17 PROCEEDING.

18 (II) PROBABLE CAUSE OR POSITIVE IDENTIFICATION MAY BE
19 ESTABLISHED USING FACIAL RECOGNITION TECHNOLOGY ONLY IF THE RESULTS
20 ARE SUPPORTED BY ADDITIONAL, INDEPENDENTLY OBTAINED EVIDENCE
21 ESTABLISHING PROBABLE CAUSE OR A POSITIVE IDENTIFICATION.

22 ~~2-503. 2-504. 2-503.~~

23 (A) (1) A POLICE OFFICER OR OTHER EMPLOYEE OR AGENT OF A LAW
24 ENFORCEMENT AGENCY MAY NOT, IN THE FURTHERANCE OF A CRIMINAL
25 INVESTIGATION:

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

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

30 2. A HUMAN TRAFFICKING OFFENSE UNDER TITLE 3,
31 SUBTITLE 11 OF THE CRIMINAL LAW ARTICLE;

1 **3. FIRST- OR SECOND-DEGREE CHILD ABUSE UNDER §**
2 **3-601 OF THE CRIMINAL LAW ARTICLE;**

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

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

7 **6. A WEAPON CRIME UNDER § 4-102, § 4-103, §**
8 **4-203(A)(1)(III) OR (IV), § 4-204, OR § 4-303(A)(2) OF THE CRIMINAL LAW ARTICLE;**

9 **7. A WEAPON CRIME UNDER § 5-138, § 5-140, § 5-141, §**
10 **5-207(C)(16), § 5-406(A)(3), OR § 5-703(A) OF THE PUBLIC SAFETY ARTICLE;**

11 **8. AGGRAVATED CRUELTY TO ANIMALS UNDER § 10-606**
12 **OR § 10-607 OF THE CRIMINAL LAW ARTICLE;**

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

15 **10. STALKING UNDER § 3-802 OF THE CRIMINAL LAW**
16 **ARTICLE;**

17 **11. A CRIMINAL ACT INVOLVING CIRCUMSTANCES**
18 **PRESENTING A SUBSTANTIAL AND ONGOING THREAT TO PUBLIC SAFETY OR**
19 **NATIONAL SECURITY; OR**

20 **12. A CRIME UNDER THE LAWS OF ANOTHER STATE**
21 **SUBSTANTIALLY EQUIVALENT TO A CRIME LISTED IN ITEMS 1 THROUGH 10 OF THIS**
22 **ITEM INVOLVING A FUGITIVE FROM JUSTICE CHARGED WITH A CRIME IN THAT STATE**
23 **AND SOUGHT UNDER TITLE 9 OF THIS ARTICLE;**

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

25 **1. ENGAGED IN ACTIVITY PROTECTED UNDER THE**
26 **UNITED STATES CONSTITUTION, THE MARYLAND CONSTITUTION, OR THE**
27 **MARYLAND DECLARATION OF RIGHTS, UNLESS THERE IS REASONABLE SUSPICION**
28 **TO BELIEVE THAT THE INDIVIDUAL HAS COMMITTED, IS IN THE PROCESS OF**
29 **COMMITTING, OR IS ABOUT TO COMMIT A CRIME; OR**

30 **2. WHO IS NOT INTENDED TO BE IDENTIFIED;**

1 (III) USE FACIAL RECOGNITION TECHNOLOGY TO ANALYZE A
2 SKETCH OR MANUALLY PRODUCED IMAGE;

3 (IV) DISCLOSE TO A WITNESS IN THE CRIMINAL INVESTIGATION,
4 PRIOR TO THE WITNESS PARTICIPATING IN A LIVE IDENTIFICATION OR PHOTO
5 ARRAY IDENTIFICATION, THAT A PARTICULAR SUSPECT OR IMAGE OF A SUSPECT
6 WAS IDENTIFIED USING FACIAL RECOGNITION TECHNOLOGY; OR

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

9 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
10 PARAGRAPH, AN IMAGE BEING EVALUATED USING FACIAL RECOGNITION
11 TECHNOLOGY MAY BE COMPARED ONLY TO IMAGES CONTAINED IN:

12 1. THE DATABASE OF IMAGES OF DRIVER'S LICENSE AND
13 IDENTIFICATION CARD PHOTOS MAINTAINED BY THE MOTOR VEHICLE
14 ADMINISTRATION OR THE DEPARTMENT OF MOTOR VEHICLES OF ANOTHER STATE;
15 OR

16 2. A DATABASE OF MUGSHOT PHOTOS MAINTAINED BY A
17 LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY OR A LAW ENFORCEMENT
18 AGENCY OF ANOTHER COUNTRY.

19 (II) AN IMAGE BEING EVALUATED USING FACIAL RECOGNITION
20 TECHNOLOGY MAY BE COMPARED TO AN IMAGE CONTAINED IN A DATABASE OTHER
21 THAN A DATABASE DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IF:

22 1. THE LAW ENFORCEMENT AGENCY CONDUCTING THE
23 INVESTIGATION HAS ENTERED INTO AN AGREEMENT WITH THE ENTITY THAT
24 MAINTAINS THE DATABASE GOVERNING THE METHODS BY WHICH IMAGES IN THE
25 DATABASE ARE COLLECTED; AND

26 2. THE AGREEMENT PROVIDES THAT THE AGREEMENT
27 WILL BE TERMINATED IN THE EVENT THAT THE ENTITY MAINTAINING THE
28 DATABASE COMMITS A MATERIAL BREACH OF THE PROVISIONS GOVERNING THE
29 METHODS BY WHICH IMAGES IN THE DATABASE ARE COLLECTED.

30 (3) BEFORE BEING USED FOR ANY PURPOSE IN RELATION TO A
31 CRIMINAL INVESTIGATION, A RESULT GENERATED BY FACIAL RECOGNITION
32 TECHNOLOGY SHALL BE INDEPENDENTLY VERIFIED BY AN INDIVIDUAL WHO HAS
33 COMPLETED TRAINING IN ACCORDANCE WITH ~~§ 2-505~~ ~~§ 2-506~~ 2-505 OF THIS
34 SUBTITLE.

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

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

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

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

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

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

19 (2) EVIDENCE DERIVED FROM A RESULT GENERATED IN VIOLATION
20 OF SUBSECTION (A)(1) OF THIS SECTION MAY BE INTRODUCED FOR A PURPOSE
21 DESCRIBED IN ~~§ 2-502~~ ~~§ 2-503~~ 2-502 OF THIS SUBTITLE IF THE COURT FINDS THAT
22 THE EVIDENCE WOULD OTHERWISE BE SUBJECT TO A LEGALLY VALID EXCEPTION
23 TO THE EXCLUSIONARY RULE.

24 (3) THIS SUBSECTION MAY NOT BE CONSTRUED TO ALLOW THE USE
25 OF A RESULT GENERATED USING FACIAL RECOGNITION TECHNOLOGY TO BE
26 INTRODUCED AS EVIDENCE IN A CRIMINAL TRIAL OR IN AN ADJUDICATORY HEARING
27 HELD UNDER § 3-8A-18 OF THE COURTS ARTICLE.

28 ~~2-504.~~ ~~2-505.~~ 2-504.

29 THE STATE SHALL DISCLOSE, IN ACCORDANCE WITH THE MARYLAND RULES
30 REGARDING DISCOVERY, WHETHER FACIAL RECOGNITION TECHNOLOGY HAS BEEN
31 USED IN AN INVESTIGATION RELEVANT TO A CRIMINAL COURT PROCEEDING OR
32 JUVENILE COURT PROCEEDING UNDER TITLE 3, SUBTITLE 8A OF THE COURTS
33 ARTICLE, THE NAME OF EACH FACIAL RECOGNITION SYSTEM USED, A DESCRIPTION
34 AND THE NAMES OF THE DATABASES SEARCHED, AND ALL RESULTS GENERATED
35 FROM THE USE OF THE FACIAL RECOGNITION TECHNOLOGY THAT LED TO FURTHER

1 INVESTIGATIVE ACTION FOR EACH FACIAL RECOGNITION SYSTEM AND FOR EACH
2 DATABASE SEARCHED.

3 ~~2-505. 2-506. 2-505.~~

4 (A) A LAW ENFORCEMENT AGENCY THAT USES OR CONTRACTS FOR THE USE
5 OF FACIAL RECOGNITION TECHNOLOGY SHALL DESIGNATE AN EMPLOYEE OF THE
6 LAW ENFORCEMENT AGENCY TO BE RESPONSIBLE FOR OVERSEEING AND
7 ADMINISTERING THE USE OF FACIAL RECOGNITION TECHNOLOGY IN COMPLIANCE
8 WITH THIS SUBTITLE AS WELL AS APPLICABLE LOCAL LAWS, REGULATIONS, AND
9 POLICIES.

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

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

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

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

22 1. THE ATTORNEY GENERAL;

23 2. THE PUBLIC DEFENDER;

24 3. A STATE'S ATTORNEY;

25 4. A UNITED STATES ATTORNEY; OR

26 5. A DESIGNEE OF AN INDIVIDUAL DESCRIBED IN ITEMS
27 1 THROUGH 4 OF THIS ITEM.

28 (C) A POLICE OFFICER OR OTHER EMPLOYEE OR AGENT OF A LAW
29 ENFORCEMENT AGENCY AUTHORIZED TO USE FACIAL RECOGNITION TECHNOLOGY
30 IN THE COURSE OF CRIMINAL INVESTIGATIONS SHALL ANNUALLY COMPLETE
31 TRAINING ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY AND
32 CORRECTIONAL SERVICES UNDER ~~§ 2-506 § 2-507~~ 2-506 OF THIS SUBTITLE.

1 ~~2-506.~~ ~~2-507.~~ 2-506.

2 (A) THE DEPARTMENT OF STATE POLICE, IN CONSULTATION WITH ANY
3 OTHER RELEVANT STATE AGENCY, SHALL ADOPT AND PUBLISH A MODEL
4 STATEWIDE POLICY REGARDING THE USE OF FACIAL RECOGNITION TECHNOLOGY.

5 (B) A LAW ENFORCEMENT AGENCY MAY NOT USE OR CONTRACT FOR THE
6 USE OF FACIAL RECOGNITION TECHNOLOGY FOR USE IN CRIMINAL INVESTIGATIONS
7 UNLESS THE USE IS IN ACCORDANCE WITH THE MODEL STATEWIDE POLICY
8 REGARDING THE USE OF FACIAL RECOGNITION TECHNOLOGY ADOPTED AND
9 PUBLISHED UNDER SUBSECTION (A) OF THIS SECTION.

10 (C) (1) ON OR BEFORE JUNE 30, 2026, THE DEPARTMENT OF PUBLIC
11 SAFETY AND CORRECTIONAL SERVICES SHALL DEVELOP AND ADMINISTER A
12 TRAINING PROGRAM REGARDING THE USE OF FACIAL RECOGNITION TECHNOLOGY
13 IN THE COURSE OF CRIMINAL INVESTIGATIONS, INCLUDING TRAINING ON
14 CULTURAL DIVERSITY AND IMPLICIT BIAS.

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

20 ~~2-507.~~ ~~2-508.~~ 2-507.

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

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

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

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

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

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

6 ~~2-508. 2-509. 2-508.~~

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

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

12 (C) A LAW ENFORCEMENT AGENCY THAT CONTRACTS FOR USE OF A
13 NONGOVERNMENT FACIAL RECOGNITION SYSTEM SHALL DISCLOSE ON ITS PUBLIC
14 WEBSITE THE NAME OF THE SYSTEM AND THE NAMES AND A DESCRIPTION OF THE
15 DATABASES SEARCHED.

16 ~~2-509. 2-510. 2-509.~~

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

19 ~~2-510. 2-511. 2-510.~~

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

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

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

29 (3) THE TOTAL NUMBER OF POSSIBLE MATCHES RETURNED THAT LED
30 TO FURTHER INVESTIGATIVE ACTION FOR EACH FACIAL RECOGNITION SYSTEM AND
31 FOR EACH DATABASE SEARCHED INCLUDING THE AGE, RACE, AND GENDER OF

1 INDIVIDUALS CONNECTED TO THE POSSIBLE MATCHES RETURNED IF THE
 2 INFORMATION IS AVAILABLE FROM THE GOVERNMENT RECORDS SEARCHED; AND

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

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

9 (C) ON OR BEFORE OCTOBER 1 EACH YEAR, THE GOVERNOR'S OFFICE OF
 10 CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL SUBMIT TO THE
 11 GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
 12 ARTICLE, THE GENERAL ASSEMBLY A REPORT CONSISTING OF THE INFORMATION
 13 REPORTED BY LAW ENFORCEMENT AGENCIES UNDER SUBSECTION (B) OF THIS
 14 SECTION, DISAGGREGATED BY AGENCY.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 16 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.