

HOUSE BILL 338

E2, E4
HB 223/23 – JUD

4r1263
CF SB 182

By: **Delegates Moon, Arian, Bartlett, Cardin, Grammer, Munoz, Tomlinson, ~~and Williams~~ Williams, Kaufman, Phillips, and Conaway**

Introduced and read first time: January 17, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2024

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 to be under the new subtitle “Subtitle 5. Facial
12 Recognition Technology”

13 Annotated Code of Maryland

14 (2018 Replacement Volume and 2023 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

16 That the Laws of Maryland read as follows:

17 **Article – Criminal Procedure**

18 **SUBTITLE 5. FACIAL RECOGNITION TECHNOLOGY.**

19 **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.



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

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

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

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

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

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

20 **2-502.**

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

26 **2-503.**

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

31 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, RESULTS
32 GENERATED BY FACIAL RECOGNITION TECHNOLOGY MAY BE CONSIDERED OR
33 INTRODUCED AS EVIDENCE IN CONNECTION WITH A CRIMINAL PROCEEDING ONLY

1 FOR THE PURPOSE OF ESTABLISHING PROBABLE CAUSE OR POSITIVE
2 IDENTIFICATION:

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

4 (II) AT A PRELIMINARY HEARING.

5 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
6 RESULTS GENERATED BY FACIAL RECOGNITION TECHNOLOGY MAY NOT SERVE AS
7 THE SOLE BASIS TO ESTABLISH PROBABLE CAUSE OR THE POSITIVE
8 IDENTIFICATION OF AN INDIVIDUAL IN A CRIMINAL INVESTIGATION OR
9 PROCEEDING.

10 (II) PROBABLE CAUSE OR POSITIVE IDENTIFICATION MAY BE
11 ESTABLISHED USING FACIAL RECOGNITION TECHNOLOGY ONLY IF THE RESULTS
12 ARE SUPPORTED BY ADDITIONAL, INDEPENDENTLY OBTAINED EVIDENCE
13 ESTABLISHING PROBABLE CAUSE OR A POSITIVE IDENTIFICATION.

14 ~~2-503.~~ 2-504.

15 (A) (1) A POLICE OFFICER OR OTHER EMPLOYEE OR AGENT OF A LAW
16 ENFORCEMENT AGENCY MAY NOT, IN THE FURTHERANCE OF A CRIMINAL
17 INVESTIGATION:

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

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

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

24 3. FIRST- OR SECOND-DEGREE CHILD ABUSE UNDER §
25 3-601 OF THE CRIMINAL LAW ARTICLE;

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

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

30 6. A WEAPON CRIME UNDER § 4-102, § 4-103, §
31 4-203(A)(1)(III) OR (IV), § 4-204, OR § 4-303(A)(2) OF THE CRIMINAL LAW ARTICLE;

1 7. A WEAPON CRIME UNDER § 5-138, § 5-140, § 5-141, §
2 5-207(C)(16), § 5-406(A)(3), OR § 5-703(A) OF THE PUBLIC SAFETY ARTICLE;

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

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

7 10. STALKING UNDER § 3-802 OF THE CRIMINAL LAW
8 ARTICLE;

9 11. A CRIMINAL ACT INVOLVING CIRCUMSTANCES
10 PRESENTING A SUBSTANTIAL AND ONGOING THREAT TO PUBLIC SAFETY OR
11 NATIONAL SECURITY; OR

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

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

17 1. ENGAGED IN ACTIVITY PROTECTED UNDER THE
18 UNITED STATES CONSTITUTION, THE MARYLAND CONSTITUTION, OR THE
19 MARYLAND DECLARATION OF RIGHTS, UNLESS THERE IS REASONABLE SUSPICION
20 TO BELIEVE THAT THE INDIVIDUAL HAS COMMITTED, IS IN THE PROCESS OF
21 COMMITTING, OR IS ABOUT TO COMMIT A CRIME; OR

22 2. WHO IS NOT INTENDED TO BE IDENTIFIED;

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

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

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

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

4 **1. THE DATABASE OF IMAGES OF DRIVER'S LICENSE AND**
5 **IDENTIFICATION CARD PHOTOS MAINTAINED BY THE MOTOR VEHICLE**
6 **ADMINISTRATION OR THE DEPARTMENT OF MOTOR VEHICLES OF ANOTHER STATE;**
7 **OR**

8 **2. A DATABASE OF MUGSHOT PHOTOS MAINTAINED BY A**
9 **LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY OR A LAW ENFORCEMENT**
10 **AGENCY OF ANOTHER COUNTRY.**

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

14 **1. THE LAW ENFORCEMENT AGENCY CONDUCTING THE**
15 **INVESTIGATION HAS ENTERED INTO AN AGREEMENT WITH THE ENTITY THAT**
16 **MAINTAINS THE DATABASE GOVERNING THE METHODS BY WHICH IMAGES IN THE**
17 **DATABASE ARE COLLECTED; AND**

18 **2. THE AGREEMENT PROVIDES THAT THE AGREEMENT**
19 **WILL BE TERMINATED IN THE EVENT THAT THE ENTITY MAINTAINING THE**
20 **DATABASE COMMITS A MATERIAL BREACH OF THE PROVISIONS GOVERNING THE**
21 **METHODS BY WHICH IMAGES IN THE DATABASE ARE COLLECTED.**

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

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

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

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

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

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

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

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

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

20 ~~2-504.~~ 2-505.

21 THE STATE SHALL DISCLOSE, IN ACCORDANCE WITH THE MARYLAND RULES
22 REGARDING DISCOVERY, WHETHER FACIAL RECOGNITION TECHNOLOGY HAS BEEN
23 USED IN AN INVESTIGATION RELEVANT TO A CRIMINAL COURT PROCEEDING OR
24 JUVENILE COURT PROCEEDING UNDER TITLE 3, SUBTITLE 8A OF THE COURTS
25 ARTICLE, THE NAME OF EACH FACIAL RECOGNITION SYSTEM USED, A DESCRIPTION
26 AND THE NAMES OF THE DATABASES SEARCHED, AND ALL RESULTS GENERATED
27 FROM THE USE OF THE FACIAL RECOGNITION TECHNOLOGY THAT LED TO FURTHER
28 INVESTIGATIVE ACTION FOR EACH FACIAL RECOGNITION SYSTEM AND FOR EACH
29 DATABASE SEARCHED.

30 ~~2-505.~~ 2-506.

31 (A) A LAW ENFORCEMENT AGENCY THAT USES OR CONTRACTS FOR THE USE
32 OF FACIAL RECOGNITION TECHNOLOGY SHALL DESIGNATE AN EMPLOYEE OF THE
33 LAW ENFORCEMENT AGENCY TO BE RESPONSIBLE FOR OVERSEEING AND
34 ADMINISTERING THE USE OF FACIAL RECOGNITION TECHNOLOGY IN COMPLIANCE
35 WITH THIS SUBTITLE AS WELL AS APPLICABLE LOCAL LAWS, REGULATIONS, AND
36 POLICIES.

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

5 **(2) THE RESULTS OF THE AUDIT CONDUCTED UNDER THIS**
6 **SUBSECTION, INCLUDING ANY RECORDS, DATA, PAPERS, OR MATERIALS EVALUATED**
7 **AS PART OF THE AUDIT, SHALL BE:**

8 **(I) MAINTAINED BY THE LAW ENFORCEMENT AGENCY FOR AT**
9 **LEAST 3 YEARS AFTER COMPLETION OF THE AUDIT, AFTER WHICH THE LAW**
10 **ENFORCEMENT AGENCY MAY DESTROY ALL AUDIT MATERIALS; AND**

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

13 **1. THE ATTORNEY GENERAL;**

14 **2. THE PUBLIC DEFENDER;**

15 **3. A STATE'S ATTORNEY;**

16 **4. A UNITED STATES ATTORNEY; OR**

17 **5. A DESIGNEE OF AN INDIVIDUAL DESCRIBED IN ITEMS**
18 **1 THROUGH 4 OF THIS ITEM.**

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

24 ~~**2-506.**~~ **2-507.**

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

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 THE USE IS IN ACCORDANCE WITH THE MODEL STATEWIDE POLICY**
31 **REGARDING THE USE OF FACIAL RECOGNITION TECHNOLOGY ADOPTED AND**
32 **PUBLISHED UNDER SUBSECTION (A) OF THIS SECTION.**

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

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

11 ~~2-507.~~ 2-508.

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

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

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

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

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

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

29 ~~2-508.~~ 2-509.

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

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

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

8 ~~2-509.~~ 2-510.

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

11 ~~2-510.~~ 2-511.

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

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

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

21 (3) THE TOTAL NUMBER OF POSSIBLE MATCHES RETURNED THAT LED
22 TO FURTHER INVESTIGATIVE ACTION FOR EACH FACIAL RECOGNITION SYSTEM AND
23 FOR EACH DATABASE SEARCHED; AND

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

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

30 (C) ON OR BEFORE OCTOBER 1 EACH YEAR, THE GOVERNOR'S OFFICE OF
31 CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL SUBMIT TO THE
32 GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
33 ARTICLE, THE GENERAL ASSEMBLY A REPORT CONSISTING OF THE INFORMATION

1 REPORTED BY LAW ENFORCEMENT AGENCIES UNDER SUBSECTION (B) OF THIS
2 SECTION, DISAGGREGATED BY AGENCY.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.