

Bill Number: HB 338

**Scott D. Shellenberger, State's Attorney for Baltimore County
Support**

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF HOUSE BILL 338
FACIAL RECOGNITION

I write in support of House Bill 338 that represents a compromise that has been long in the making. House Bill 338 strikes a balance between those who want to use Facial Recognition Technology to solve crimes and those who want to protect the privacy of citizens. House Bill 338 represents a long discussed compromise of this issue.

In Summary House Bill 338:

- prevents the results generated by facial recognition technology from being introduced in a criminal trial or delinquency proceeding;
- permits the results of Facial Recognition to establish probable cause;
- does not permit the results to be the "sole basis" for probable cause;
- requires the addition of independent evidence.
- limits the use of the technology to violent and serious crimes;
- prevents the technologies use if the activity is under the protection of the Constitution etc.
- is not used to analyze a sketch;
- results may not be disclosed prior to a witness identification procedure;
- analysis may not be done in live or real time.
- limits the database of photos to MVA records and mug shots;
- the results must be verified by a specially trained individual;
- requires disclosure during discovery that the technology was used;
- requires yearly public disclosure of certain information.

House Bill 338 strikes an important balance between law enforcement interests and those who have privacy concerns.

I urge a favorable report.