

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 587

(Senator Sydnor)

Judicial Proceedings

Judiciary

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Task Force on Facial Recognition Privacy Protection

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This bill establishes the Task Force on Facial Recognition Privacy Protection to be staffed by the Department of Legislative Services (DLS). The task force is required to study, review, and make specified recommendations regarding facial recognition technology. The task force must report its findings and recommendations to the Governor and the General Assembly by December 6, 2021. **The bill takes effect July 1, 2021, and terminates June 30, 2022.**

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Fiscal Summary

**State Effect:** Any expense reimbursements for task force members and staffing costs for DLS are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

**Local Effect:** The bill does not materially affect local government operations or finances.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The task force must:

- study current and planned uses of facial recognition technology by State and local government agencies, as specified;
- review facial recognition technology, including the current and potential future capabilities of facial recognition technology;

- review regulatory improvements that may be made to the way facial recognition technology is used in order to enhance individual privacy rights;
- review federal, state, and local legislation and guidelines related to the use of facial recognition;
- review literature regarding facial recognition technology and its implication on constitutional rights; and
- make recommendations to set guardrails for the use of facial recognition technology by the State and local governments.

The chair of the task force is the member of the Senate of Maryland appointed to the task force; the vice-chair is the member of the House of Delegates appointed to the task force. Task force members may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations.

**Current Law:** There are no statutes governing the use of facial recognition services in the State.

**Additional Comments:** The Maryland Image Repository System (MIRS) is facial recognition software within the Department of Public Safety and Correctional Services that allows law enforcement to compare images of unidentified individuals to images from Motor Vehicle Administration records, inmate case records, and mugshots. People in public places are never scanned by MIRS. MIRS only gives a probable list of potential suspects to be followed up on by law enforcement, not a positive identification. Currently, local law enforcement agencies in the State are responsible for establishing a policy regarding the use of MIRS and decide when, where, and how it is used.

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## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Montgomery and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Comptroller's Office; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of General Services; Department of Juvenile Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:**  
rh/jkb

First Reader - February 28, 2021

Third Reader - March 24, 2021

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