

HOUSE BILL 1463

E1, D3

2lr3072

By: **Delegate Cox**

Introduced and read first time: February 25, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Biometric Authentication Requirements for Governmental Services –**
3 **Prohibition**

4 FOR the purpose of prohibiting the requirement of biometric authentication by a federal or
5 State governmental entity or federal or State agency in order for an individual to
6 access a governmental account or governmental service; and generally relating to a
7 prohibition against the use of biometric identification by governmental entities and
8 agents.

9 BY adding to

10 Article – Criminal Law

11 Section 1–402

12 Annotated Code of Maryland

13 (2021 Replacement Volume and 2021 Supplement)

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

16 **Article – Criminal Law**

17 **1–402.**

18 **(A) IN THIS SECTION, “BIOMETRIC AUTHENTICATION” INCLUDES:**

19 **(1) FACIAL RECOGNITION SOFTWARE;**

20 **(2) THUMBPRINT, HAND SHAPE, AND PALMPRINT IDENTIFICATION**
21 **TECHNOLOGY;**

22 **(3) TECHNOLOGY THAT ANALYZES DNA; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(4) ANY SIMILAR TECHNOLOGY DESIGNED TO CONFIRM THE IDENTITY**
2 **OF AN INDIVIDUAL BY ASSESSING UNIQUE BIOLOGICAL CHARACTERISTICS OF THE**
3 **INDIVIDUAL.**

4 **(B) (1) THE IMMUNITY PROVISIONS PROTECTING STATE AND LOCAL**
5 **GOVERNMENT PERSONNEL UNDER THE LOCAL GOVERNMENT TORT CLAIMS ACT**
6 **UNDER TITLE 5, SUBTITLE 3 OF THE COURTS ARTICLE OR THE MARYLAND TORT**
7 **CLAIMS ACT UNDER TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE**
8 **DO NOT APPLY TO A CIVIL ACTION BROUGHT UNDER THIS SUBTITLE.**

9 **(2) ANY ELEMENT OF GOVERNMENTAL IMMUNITY IS NOT A DEFENSE**
10 **TO A CLAIM BROUGHT UNDER THIS SECTION.**

11 **(C) A FEDERAL OR STATE ENTITY OR AN AGENT OF A STATE OR FEDERAL**
12 **ENTITY MAY NOT REQUIRE AN INDIVIDUAL TO CONFIRM THE INDIVIDUAL'S IDENTITY**
13 **BY USE OF BIOMETRIC AUTHENTICATION IN ORDER FOR THE INDIVIDUAL TO ACCESS**
14 **A GOVERNMENTAL ACCOUNT OR GOVERNMENTAL SERVICE.**

15 **(D) A FEDERAL OR STATE AGENT WHO VIOLATES THIS SECTION IS GUILTY**
16 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
17 **EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

18 **(E) (1) IN ADDITION TO A CRIMINAL PROSECUTION AUTHORIZED UNDER**
19 **THIS SECTION, AN INDIVIDUAL MAY BRING AN ACTION FOR DAMAGES AGAINST A**
20 **FEDERAL OR STATE GOVERNMENTAL ENTITY AND A FEDERAL OR STATE AGENT.**

21 **(2) THE COURT MAY ORDER TREBLE DAMAGES UNDER THIS SECTION**
22 **IF THE COURT FINDS THAT THE VIOLATION OF THIS SECTION WAS WILLFUL.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2022.