HB0223/253125/1

BY:    Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 223
(Third Reading File Bill)

On page 4, after line 2, insert:

"**10.    STALKING UNDER § 3–802 OF THE CRIMINAL LAW ARTICLE;**";

in line 3, strike "**10.**" and substitute "**11.**"; in line 6, strike "**11.**" and substitute "**12.**"; and in line 28, after "**(2)**" insert "**(I)    EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN IMAGE BEING EVALUATED USING FACIAL RECOGNITION TECHNOLOGY MAY BE COMPARED ONLY TO IMAGES CONTAINED IN:**

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

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

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

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

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

On page 5, in line 4, before "**BEFORE**" insert "**(3)**".

On page 6, in line 8, after "**DESCRIPTION**" insert "**AND THE NAMES**"; and in line 11, after "**ACTION**" insert "**FOR EACH FACIAL RECOGNITION SYSTEM AND FOR EACH DATABASE SEARCHED**".

On page 9, in line 9, after "**SYSTEM**" insert "**AND THE NAMES**".

On page 10, in line 18, after "**SYSTEM**" insert "**AND THE NAMES**"; and in line 24, after "**ACTION**" insert "**FOR EACH FACIAL RECOGNITION SYSTEM AND FOR EACH DATABASE SEARCHED**".