

Maryland Criminal Defense Attorneys' Association



Md Senate – Judicial Proceedings Committee

March 10, 2022

Hearing on SB 762

Criminal Procedure – Facial Recognition Technology

MCDAA POSITION: SUPPORT

Brief bill explanation: This bill establishes significant new criminal law and criminal procedures regarding the use of facial recognition technology.

MCDAA's position: The use of facial recognition technology by law enforcement agencies must be carefully guided by the legislative bodies in our country. Significant civil liberties and privacy of Marylanders will be compromised without a careful examination of the use of this new technology. We generally endorse the aims and purposes of this legislation.

This legislation aims to limit the use of the technology to specific purposes: In connection with issuance of a warrant or at a preliminary hearing, and the results of the technology may not be used by the finder of fact as the sole basis to establish probable cause. Further, the bill significantly limits when the technology can be used during investigations and in analysis of videos or recordings of members of the public who are not the target of criminal investigations and limits its use in real-time evaluation of images or recordings. We believe these are appropriate and needed limitations.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com