

FINAL BILL REPORT

HB 2213

C 1 L 17 E 2

Synopsis as Enacted

Brief Description: Concerning state agency collection, use, and retention of biometric identifiers.

Sponsors: Representatives Smith, Haler and Morris.

Background:

Effective July 23, 2017, state agency collection, use, and retention of biometric identifiers is regulated as follows:

- an agency is prohibited from obtaining a biometric identifier without notice and consent, and from selling the identifier;
- agency use, sharing, review, and retention of biometric identifiers is restricted;
- policies and retention schedules that address biometric identifiers are required; and
- biometric identifiers are prohibited from disclosure under the Public Records Act.

For purposes of these provisions, a general authority law enforcement agency is excluded from the definition of "agency."

Summary:

An agency may obtain a biometric identifier without notice and consent when acting under legal authorization. The restrictions on use, sharing, and retention of biometric identifiers do not apply when an agency is acting under legal authorization.

The exclusion of general authority law enforcement agencies from the definition of "agency" is removed. The prohibition on obtaining a biometric identifier without notice and consent is specifically not applied to general authority law enforcement agencies.

The definition of "biometric identifier" is modified to include DNA.

The following agencies are excluded from the prohibition on obtaining fingerprints or DNA without notice and consent, and provided a waiver process where there is need to obtain other types of biometric identifiers:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- limited authority law enforcement agencies;
- agencies with authorization for involuntary confinement; and
- the Attorney General's Office when engaging in specified functions.

Votes on Final Passage:

Second Special Session

House 94 0

Senate 47 1

Effective: July 23, 2017