
**Innovation, Technology & Economic
Development Committee**

HB 1654

Brief Description: Concerning the procurement and use of facial recognition technology by government entities in Washington state and privacy rights relating to facial recognition technology.

Sponsors: Representatives Ryu, Shea, Morris, Valdez, Kloba, Fitzgibbon, Appleton, Frame and Tarleton.

Brief Summary of Bill

- Prohibits state and local government from using facial recognition technology or information obtained from facial recognition technology until certain conditions are met.

Hearing Date: 2/6/19

Staff: Yelena Baker (786-7301).

Background:

Facial recognition is one of several biometric technologies which identify individuals by measuring and analyzing their physiological or behavioral characteristics. Facial recognition generally works by capturing an image, using an algorithm to create a faceprint, or a facial template, and then comparing the captured image to a database of images or a single image in a database. The more similar the environments in which the images are compared, the better a facial recognition system will perform.

Facial recognition technologies can perform a number of functions, including detecting a face in an image, estimating personal characteristics, verifying identity, and identifying an individual by matching an image of an unknown person to a database of known people. Facial recognition

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systems can generate two types of errors: false positives (generating an incorrect match) or false negatives (not generating a match where one exists).

Facial recognition is used in a variety of consumer and business applications, including safety and security, secure access, marketing, and customer service. In the public sphere it is more commonly used for law enforcement and security purposes. Additionally, many states, including Washington, use facial recognition technology to identify cases of driver's license fraud by comparing driver's license photos with other department images on file.

Summary of Bill:

"Facial recognition" is defined to mean both the automated or semi-automated process by which a person is identified based on the characteristics of their face, and the automated or semi-automated process by which these characteristics are analyzed to determine the individual's sentiment, state of mind, or behavioral propensities, such as a level of dangerousness.

State and local government agencies are prohibited from using facial recognition systems to monitor public spaces without a warrant, or to use facial recognition to analyze footage obtained from a police body worn camera.

State and local government agencies are prohibited from obtaining or using any facial recognition system or any information gathered by a facial recognition system, until specified conditions are met, including the requirement of a report to the Legislature by the Attorney General on whether independent third-party testing shows any statistically significant variation in the accuracy of facial recognition systems on the basis of race, skin tone, ethnicity, gender, or age.

Facial recognition data gathered in violation of these provisions is considered unlawfully obtained and must be deleted upon discovery.

Facial recognition data is inadmissible as evidence in any trial or proceeding before any authority subject to the jurisdiction of the state of Washington.

A person injured by the violations of these provisions may institute proceedings for injunctive relief, declaratory relief, a writ of mandate, or an action to recover actual damages.

Appropriation: None.

Fiscal Note: Requested on February 4, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.