
SECOND SUBSTITUTE HOUSE BILL 1654

State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Ryu, Shea, Morris, Valdez, Kloba, Fitzgibbon, Appleton, Frame, and Tarleton)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to the procurement and use of facial recognition
2 technology by government entities in Washington state and privacy
3 rights relating to facial recognition technology; and creating new
4 sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the current
7 state of facial recognition technology is less accurate at
8 identifying women, youth, and people of color, potentially leading to
9 the risk of false matches. Accordingly, the legislature finds that
10 results from a facial recognition system should not, by themselves,
11 constitute probable cause in a criminal investigation.

12 NEW SECTION. **Sec. 2.** (1) A law enforcement officer may not use
13 the results of a facial recognition system as the sole basis to
14 establish probable cause in a criminal investigation. The results of
15 a facial recognition system may be used in conjunction with other
16 information and evidence obtained by a law enforcement officer to
17 establish probable cause in a criminal investigation.

18 (2) For purposes of this section:

19 (a) "Facial recognition" means both:

1 (i) The automated or semiautomated process by which a person is
2 identified or attempted to be identified based on the characteristics
3 of their face, including identification of known or unknown
4 individuals or groups; and

5 (ii) The automated or semiautomated process by which the
6 characteristics of an individual's face are analyzed to determine the
7 individual's sentiment, state of mind, or other propensities
8 including but not limited to level of dangerousness.

9 (b) "Facial recognition system" means any computer software or
10 application that performs facial recognition.

11 (c) "Law enforcement officer" means a general authority
12 Washington peace officer, a limited authority Washington peace
13 officer, and a specially commissioned Washington peace officer as
14 defined in RCW 10.93.020.

--- END ---