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**HOUSE BILL 2761**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Hudgins, Kloba, Wylie, Slatter, Pollet, Santos, and Young

Read first time 01/21/20. Referred to Committee on Public Safety.

1 AN ACT Relating to the legislative oversight of technology  
2 acquisition and use by law enforcement; and adding a new chapter to  
3 Title 10 RCW.

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

5 NEW SECTION. **Sec. 1.** (1) A law enforcement agency may not  
6 procure or use facial recognition technology without the explicit  
7 approval of its respective legislative authority, given for that  
8 specific technology to be used for a specific purpose.

9 (2)(a) A legislative authority shall provide notice and  
10 opportunity for public comment before approving the procurement or  
11 use of facial recognition technology under subsection (1) of this  
12 section.

13 (b) The notice and authorization provided by the legislative  
14 authority shall: (i) Specify the authorized purpose for using the  
15 technology; (ii) specify requirements designed to appropriately limit  
16 the use of the technology for its intended purpose; and (iii)  
17 establish a process for periodically reviewing the law enforcement  
18 agency's compliance with the requirements of the authorization and  
19 this section.

20 (3) For the purposes of this section:

1 (a) "Facial recognition technology" means technology that  
2 analyzes facial features for the unique personal identification of  
3 natural persons in still or video images. "Facial recognition"  
4 includes, but is not limited to:

5 (i) The automated or semiautomated process by which a person is  
6 identified or attempted to be identified based on the characteristics  
7 of the person's face, including identification of known or unknown  
8 persons or groups; and

9 (ii) The automated or semiautomated process by which the  
10 characteristics of a person's face are analyzed to determine the  
11 person's sentiment, state of mind, or other propensities.

12 (b) "Law enforcement agency" means any "general authority  
13 Washington law enforcement agency" or "limited authority Washington  
14 law enforcement agency" as those terms are defined in RCW 10.93.020.

15 (c) "Legislative authority" means the respective city or county  
16 council, commission, or other body in which legislative powers are  
17 vested. For a state agency, "legislative authority" refers to the  
18 state legislature.

19 NEW SECTION. **Sec. 2.** Section 1 of this act constitutes a new  
20 chapter in Title 10 RCW.

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