

116TH CONGRESS
2D SESSION

H. R. 7235

To prohibit use of facial recognition technology on any image acquired by body-worn cameras of law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2020

Mr. BEYER (for himself, Mrs. HAYES, Mr. HECK, Mr. RUSH, Mr. SAN NICOLAS, Mr. RASKIN, and Ms. NORTON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit use of facial recognition technology on any image acquired by body-worn cameras of law enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Biometric Sur-
5 veillance by Law Enforcement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Facial recognition and other biometric sur-
2 veillance technology pose unique and significant
3 threats to the civil rights and civil liberties of resi-
4 dents and visitors.

5 (2) The use of facial recognition and other bio-
6 metric surveillance is the functional equivalent of re-
7 quiring every person to show a personal photo iden-
8 tification card at all times in violation of recognized
9 constitutional rights. This technology also allows
10 people to be tracked without consent.

11 (3) It would also generate massive databases
12 about law-abiding Americans, and may chill the ex-
13 ercise of free speech in public places.

14 (4) Facial recognition and other biometric sur-
15 veillance technology has been repeatedly dem-
16 onstrated to misidentify women, young people, and
17 people of color and to create an elevated risk of
18 harmful “false positive” identifications.

19 (5) Facial and other biometric surveillance
20 would corrupt the core purpose of officer-worn body-
21 worn cameras by transforming those devices from
22 transparency and accountability tools into roving
23 surveillance systems.

24 (6) The use of facial recognition and other bio-
25 metric surveillance would disproportionately impact

1 the civil rights and civil liberties of persons who live
 2 in highly policed communities.

3 (7) Its use would also diminish effective polic-
 4 ing and public safety by discouraging people in these
 5 communities, including victims of crime, undocu-
 6 mented persons, people with unpaid fines and fees,
 7 and those with prior criminal history from seeking
 8 police assistance or from assisting the police.

9 **SEC. 3. PROHIBITING USE OF FACIAL RECOGNITION TECH-**
 10 **NOLOGY AND OTHER BIOMETRIC SURVEIL-**
 11 **LANCE SYSTEMS.**

12 (a) BYRNE GRANT.—

13 (1) PROHIBITION.—A State or unit of local
 14 government may not use facial recognition tech-
 15 nology or other biometric surveillance systems on
 16 any image acquired by body-worn cameras of law en-
 17 forcement officers.

18 (2) ENFORCEMENT.—In the case that a State
 19 or unit of local government violates paragraph (1),
 20 the Attorney General shall reduce by 5 percent the
 21 amount that the State or unit of local government
 22 would have otherwise received under subpart 1 of
 23 part E of title I of the Omnibus Crime Control and
 24 Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.).

1 (3) REALLOCATION.—Amounts not allocated to
2 a State or unit of local government that violates
3 paragraph (1) shall be reallocated, in accordance
4 with subpart 1 of part E of title I of the Omnibus
5 Crime Control and Safe Streets Act of 1968 (34
6 U.S.C. 10151 et seq.), to States and units of local
7 government that have complied with such paragraph
8 (1).

9 (b) URBAN AREA SECURITY INITIATIVE GRANT.—

10 (1) PROHIBITION.—A high-risk urban area may
11 not use facial recognition technology or other bio-
12 metric surveillance systems on any image acquired
13 by body-worn cameras of law enforcement officers.

14 (2) ENFORCEMENT.—In the case that a high-
15 risk urban area violates paragraph (1), the Adminis-
16 trator of the Federal Emergency Management Agen-
17 cy shall reduce by 5 percent the amount that the
18 high-risk urban area would have otherwise received
19 under section 2003 of the Homeland Security Act of
20 2002 (6 U.S.C. 101 et seq.).

21 (3) REALLOCATION.—Amounts not allocated to
22 a high-risk urban area that violates paragraph (1)
23 shall be reallocated, in accordance with section 2003
24 of the Homeland Security Act of 2002 (6 U.S.C.

1 101 et seq.), to high-risk urban areas that have com-
2 plied with such paragraph (1).

3 (c) STATE HOMELAND SECURITY GRANT.—

4 (1) PROHIBITION.—A State may not use facial
5 recognition technology or other biometric surveil-
6 lance systems on any image acquired by body-worn
7 cameras of law enforcement officers.

8 (2) ENFORCEMENT.—In the case that a State
9 violates paragraph (1), the Administrator of the
10 Federal Emergency Management Agency shall re-
11 duce by 5 percent the amount that the high-risk
12 urban area would have otherwise received under sec-
13 tion 2004 of the Homeland Security Act of 2002 (6
14 U.S.C. 101 et seq.).

15 (3) REALLOCATION.—Amounts not allocated to
16 a State that violates paragraph (1) shall be reallo-
17 cated, in accordance with section 2004 of the Home-
18 land Security Act of 2002 (6 U.S.C. 101 et seq.), to
19 States that have complied with such paragraph (1).

20 (d) FEDERAL PROHIBITION.—A Federal law enforce-
21 ment agency may not use facial recognition technology or
22 other biometric surveillance systems on any image ac-
23 quired by body-worn cameras of law enforcement officers.

24 (e) DEFINITIONS.—In this section:

1 (1) BIOMETRIC DATA.—The term “biometric
2 data” means a physiological, biological, or behavioral
3 characteristic that can be used, singly or in combina-
4 tion with each other or with other information, to es-
5 tablish individual identity.

6 (2) BIOMETRIC SURVEILLANCE SYSTEM.—The
7 term “biometric surveillance system” means any
8 computer software or application that performs fa-
9 cial recognition or other biometric surveillance.

10 (3) BODY-WORN CAMERA.—The term “body-
11 worn camera” means an officer camera or similar
12 device that records or transmits images or sound
13 and is attached to the body or clothing of, or carried
14 by, a law enforcement officer.

15 (4) FACIAL RECOGNITION TECHNOLOGY OR
16 OTHER BIOMETRIC SURVEILLANCE.—The term “fa-
17 cial recognition technology or other biometric sur-
18 veillance”—

19 (A) means an automated or semiautomated
20 process that—

21 (i) captures or analyzes biometric data
22 of an individual to identify or assist in
23 identifying an individual; or

1 (ii) generates, or assists in generating,
2 surveillance information about an indi-
3 vidual based on biometric data; and

4 (B) does not include the use of an auto-
5 mated or semiautomated process for the pur-
6 pose of redacting a recording for release or dis-
7 closure outside the law enforcement agency to
8 protect the privacy of a subject depicted in the
9 recording, if the process does not generate or
10 result in the retention of any biometric data or
11 surveillance information.

12 (5) USE.—The term “use” means one or both
13 of the following:

14 (A) The direct use of a biometric surveil-
15 lance system by a law enforcement officer or a
16 law enforcement agency.

17 (B) A request or agreement by a law en-
18 forcement officer or law enforcement agency
19 that another law enforcement agency or other
20 third party use a biometric surveillance system
21 on behalf of the requesting officer or agency.

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