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## SENATE BILL NO. 1431

Senate Amendments in [ ] - February 10, 2009

A BILL to authorize the Commonwealth's lack of compliance with certain provisions of the REAL ID Act.

Patron Prior to Engrossment—Senator Cuccinelli

Referred to Committee on General Laws and Technology

**Be it enacted by the General Assembly of Virginia:****1. § 1. Participation in the REAL ID Act of 2005.**

A. For purposes of this Act, the following words and phrases shall have the meanings respectively ascribed to them in this Act except in those instances where the context clearly indicates a different meaning:

"Biometric data" means information relating to a biological characteristic of an individual that makes that individual unique from any other individual, including, but not limited to, the following:

1. Fingerprints, palm prints, and other means for measuring or recording ridge pattern or fingertip characteristics;

2. Facial feature pattern characteristics;

3. Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or sequence;

4. Voice data used for comparing live speech with a previously created speech model of an individual's voice;

5. Iris recognition data containing color or texture patterns or codes;

6. Keystroke dynamics, measuring pressure applied to key pads;

7. Hand geometry, measuring hand characteristics, including the shape and length of fingers, in three dimensions;

8. Retinal scans, reading through the pupil to measure blood vessels lining the retina; and

9. Deoxyribonucleic acid or ribonucleic acid.

"Biometric samples" means anything used as a source to develop, create, or extract biometric data.

"Economic privacy" means the privacy of an individual that relates to a right, privilege, or reasonable expectation that certain information is required by law to be held confidential or is otherwise considered to be confidential to that individual, including, but not limited to:

1. Information included in a tax return required by law to be filed with the federal, state, or local government;

2. Information on financial transactions conducted by or on behalf of the individual; and

3. Information on investment transactions conducted by or on behalf of the individual.

"REAL ID Act of 2005" means Division B of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13, 119 Stat. 302).

B. [ ~~Neither~~ With the exception of identification cards issued to employees of the Department of State Police and any other law enforcement officer employed by any agency of the Commonwealth, neither ] the Governor nor the Department of Motor Vehicles nor any other agency of the Commonwealth shall comply with any provision of the REAL ID Act of 2005 [ ~~and any other federal law, regulation, or policy~~ ] that would compromise the economic privacy, biometric data, or biometric samples of any resident of the Commonwealth.

ENGROSSED

SB1431E