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SENATE BILL NO. 841

Offered January 14, 2009

Prefiled December 22, 2008

A *BILL to specify agency prohibitions in the Commonwealth's implementation of the REAL ID Act of 2005 and citizens' privacy.*

Patron—Cuccinelli

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. § 1. *Implementation of the REAL ID Act of 2005 and citizens' privacy.*

A. *The Department of Motor Vehicles and all other agencies of the Commonwealth shall be prohibited from the following:*

1. *Using any type of computer chip or radio-frequency identification tag or other similar device on or in the driver's license or identification card;*

2. *Storing information on any bar code or similar encoding device, including anything other than that information found on the face of the driver's license or identification card that is visible to the human eye;*

3. *Sharing or allowing access to records collected in connection with the issuance of a driver's license or identification card with any federal government agency, other state, or any person or entity working with a state agency, except for the records of an individual person as authorized explicitly by law if requested one record at a time. However, sharing of and access to multiple records will be permitted as authorized explicitly by law if accompanied by the written authorization of either the Commissioner of the Department of Motor Vehicles or his designee, and if such written authorization includes the requested persons' identities; and*

4. *Gathering, creating, or retaining biometric data for use on or with driver's licenses or identification cards.*

B. *Any new requirements imposed after January 1, 2009, by the Department of Homeland Security with respect to implementation of the REAL ID Act of 2005 shall not be implemented by any agency of the Commonwealth without the prior approval of the General Assembly.*

C. *For purposes of this Act, "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.*

9. *Deoxyribonucleic acid or ribonucleic acid.*

INTRODUCED

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