

Department of Planning and Budget 2022 Fiscal Impact Statement

1. **Bill Number:** HB1339

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Leftwich

3. **Committee:** Public Safety

4. **Title:** Facial recognition technology; local law enforcement; campus police.

5. **Summary:** Defines “facial recognition technology” as an electronic system for conducting an algorithmic comparison of images of an individuals’ facial features for the purposes of verification or identification. The bill provides that a local law enforcement agency may utilize facial recognition technology for criminal investigative and administrative investigative purposes. It includes criteria for the lawful use of this technology, including (i) it shall have been evaluated and received an accuracy score of 98 percent or better for true positives across all demographic groups, (ii) a match shall not constitute probable cause for arrest of an individual, but the match is permitted as exculpatory evidence, and (iii) a local law enforcement agency may use the technology to search against any publicly available or lawfully acquired image or image database. The bill requires the Department of State Police (VSP), in consultation with stakeholders, to develop and publicly post a model policy regarding the use of facial recognition technology by January 1, 2023. Local law enforcement agencies and campus police departments must publicly post the policies that will govern their use of this technology, they must maintain records sufficient to facilitate public reporting and auditing of compliance with the agency’s facial recognition policies, and collect certain data related to their use of the technology. Local law enforcement and campus police department agency heads are required to publish an annual report by April 1 of each year to provide information to the community regarding the agency’s use of this technology.

6. **Budget Amendment Necessary:** Indeterminate.

7. **Fiscal Impact Estimates:** Preliminary. See Item 8 below.

8. **Fiscal Implications:** The proposed legislation is not anticipated to have a fiscal impact on the Department of Juvenile Justice, the Virginia Alcoholic Beverage Control Authority, the Department of State Police, the Office of the State Inspector General, the Division of Capitol Police, or the Department of Conservation and Recreation. Any potential fiscal impact on other state law enforcement agencies, campus police departments, or local law enforcement agencies is indeterminate at this time.

9. **Specific Agency or Political Subdivisions Affected:** State law enforcement agencies, campus police departments, and local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.