

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to authorize the Commonwealth's lack of compliance with certain provisions of the REAL ID Act.*

3 [S 1431]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. § 1. Participation in the REAL ID Act of 2005.**7 *A. For purposes of this Act, the following words and phrases shall have the meanings respectively*
8 *ascribed to them in this Act except in those instances where the context clearly indicates a different*
9 *meaning:*10 *"Biometric data" means information relating to a biological characteristic of an individual that*
11 *makes that individual unique from any other individual, including, but not limited to, the following:*12 *1. Fingerprints, palm prints, and other means for measuring or recording ridge pattern or fingertip*
13 *characteristics;*14 *2. Facial feature pattern characteristics;*15 *3. Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen angle, or*
16 *sequence;*17 *4. Voice data used for comparing live speech with a previously created speech model of an*
18 *individual's voice;*19 *5. Iris recognition data containing color or texture patterns or codes;*20 *6. Keystroke dynamics, measuring pressure applied to key pads;*21 *7. Hand geometry, measuring hand characteristics, including the shape and length of fingers, in*
22 *three dimensions;*23 *8. Retinal scans, reading through the pupil to measure blood vessels lining the retina; and*24 *9. Deoxyribonucleic acid or ribonucleic acid.*25 *"Biometric samples" means anything used as a source to develop, create, or extract biometric data.*26 *"Economic privacy" means the privacy of an individual that relates to a right, privilege, or*
27 *reasonable expectation that certain information is required by law to be held confidential or is*
28 *otherwise considered to be confidential to that individual, including, but not limited to:*29 *1. Information included in a tax return required by law to be filed with the federal, state, or local*
30 *government;*31 *2. Information on financial transactions conducted by or on behalf of the individual; and*32 *3. Information on investment transactions conducted by or on behalf of the individual.*33 *"REAL ID Act of 2005" means Division B of the Emergency Supplemental Appropriations Act for*
34 *Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13, 119 Stat. 302).*35 *B. With the exception of identification cards issued to employees of the Department of State Police*
36 *and any other law enforcement officer employed by any agency of the Commonwealth, neither the*
37 *Governor nor the Department of Motor Vehicles nor any other agency of the Commonwealth shall*
38 *comply with any provision of the REAL ID Act of 2005 that they determine would compromise the*
39 *economic privacy, biometric data, or biometric samples of any resident of the Commonwealth.*

ENROLLED

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