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HOUSE BILL NO. 2031

Offered January 13, 2021

Prefiled January 12, 2021

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 17 of Title 15.2 a section numbered 15.2-1723.2 and by adding a section numbered 23.1-815.1, relating to facial recognition technology; authorization of use by local law-enforcement agencies and public institutions of higher education.

Patrons—Aird, Jones, Ayala, Bourne, Convirs-Fowler, Guzman, Hudson, Keam, Krizek, Murphy, Plum, Price, Samirah, Scott and Tran

Referred to Committee on Communications, Technology and Innovation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 17 of Title 15.2 a section numbered 15.2-1723.2 and by adding a section numbered 23.1-815.1 as follows:

§ 15.2-1723.2. Facial recognition technology; local approval.

A. For purposes of this section, "facial recognition technology" means an electronic system for enrolling, capturing, extracting, comparing, and matching an individual's geometric facial data to identify individuals in photos, videos, or real time.

B. No local law-enforcement agency shall purchase or deploy facial recognition technology unless the locality in which the law-enforcement agency is located has adopted an ordinance authorizing the use of facial recognition technology by local law-enforcement agencies.

§ 23.1-815.1. Facial recognition technology; approval of governing body.

No campus police department shall purchase or deploy facial recognition technology unless the governing board of the public institution of higher education authorizes the use of facial recognition technology. For purposes of this subsection, "facial recognition technology" means an electronic system for enrolling, capturing, extracting, comparing, and matching an individual's geometric facial data to identify individuals in photos, videos, or real time.

2. That local law-enforcement agencies and campus police departments at public institutions of higher education using facial recognition technology prior to July 1, 2021, are prohibited from using such technology on or after July 1, 2021, unless and until such use is authorized by the locality by ordinance or by the governing board of the public institution of higher education pursuant to the provisions of this act.

INTRODUCED

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