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(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To prohibit use of remote biometric surveillance technology on any data acquired by body-worn cameras of law enforcement officers, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To prohibit use of remote biometric surveillance technology on any data acquired by body-worn cameras of law enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Facial Recognition  
5 Ban on Body Cameras Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Facial recognition and other remote biomet-  
2           ric surveillance technologies pose unique and signifi-  
3           cant threats to the civil rights and civil liberties of  
4           Americans.

5           (2) The use of facial recognition and other re-  
6           mote biometric surveillance is the functional equiva-  
7           lent of requiring every person to show a personal  
8           photo identification card at all times in violation of  
9           recognized constitutional rights. This technology also  
10          allows people to be tracked without consent.

11          (3) It would also generate massive databases  
12          about law-abiding Americans, and may chill the ex-  
13          ercise of free speech in public places.

14          (4) Facial recognition and other remote biomet-  
15          ric surveillance technology has been repeatedly dem-  
16          onstrated to misidentify women, young people, peo-  
17          ple with disabilities, transgender people, and people  
18          of color and to create an elevated risk of harmful  
19          “false positive” identifications.

20          (5) Facial and other remote biometric surveil-  
21          lance would corrupt the core purpose of officer-worn  
22          body-worn cameras by transforming those devices  
23          from transparency and accountability tools into rov-  
24          ing surveillance systems.

1           (6) The use of facial recognition and other re-  
2           mote biometric surveillance would disproportionately  
3           impact the civil rights and civil liberties of persons  
4           who live in highly policed communities.

5           (7) Its use would also diminish effective polie-  
6           ing and public safety by discouraging people in these  
7           communities, including victims of crime, undocu-  
8           mented persons, people with unpaid fines and fees,  
9           and those with prior criminal history from seeking  
10          police assistance or from assisting the police.

11 **SEC. 3. PROHIBITING USE OF FACIAL RECOGNITION TECH-**  
12                                   **NOLOGY AND OTHER REMOTE BIOMETRIC**  
13                                   **SURVEILLANCE SYSTEMS.**

14          (a) **FEDERAL FINANCIAL ASSISTANCE.**—Beginning  
15          on the first day of the first fiscal year beginning after the  
16          date of the enactment of this Act, a State or unit of local  
17          government is ineligible to receive Federal financial assist-  
18          ance under the Byrne grant program under subpart 1 of  
19          part E of title I of the Omnibus Crime Control and Safe  
20          Streets Act of 1968 unless the State or unit of local gov-  
21          ernment is complying with a law or policy that is substan-  
22          tially similar to the prohibition set forth in section 4.

23          (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
24          tion may be construed to preempt or supersede any Fed-

1 eral, State, or local law that imposes a more stringent lim-  
2 itation than the prohibition set forth in section 4.

3 **SEC. 4. FEDERAL PROHIBITION.**

4 A Federal law enforcement agency may not use facial  
5 recognition technology or other remote biometric surveil-  
6 lance systems on any image, video, or audio acquired by  
7 body-worn cameras of law enforcement officers.

8 **SEC. 5. DEFINITIONS.**

9 In this Act:

10 (1) **BIOMETRIC SURVEILLANCE SYSTEM.**—The  
11 term “biometric surveillance system” means any  
12 computer software or application that performs fa-  
13 cial recognition or other remote biometric surveil-  
14 lance.

15 (2) **BODY-WORN CAMERA.**—The term “body-  
16 worn camera”—

17 (A) means an officer camera or similar de-  
18 vice that records or transmits images or sound  
19 and is attached to the body or clothing of, or  
20 carried by, a law enforcement officer, including  
21 mobile phones; and

22 (B) includes smart glasses and similar de-  
23 vices that include cameras attached to the  
24 frame of a piece of eyewear.

1           (3) FACIAL RECOGNITION.—The term “facial  
2           recognition” means an automated or semi-automated  
3           process that assists in identifying an individual, cap-  
4           turing information about an individual, or otherwise  
5           generating or assisting in generating surveillance in-  
6           formation about an individual based on the physical  
7           characteristics of the individual’s face.

8           (4) OTHER REMOTE BIOMETRIC SURVEIL-  
9           LANCE.—The term “other remote biometric recog-  
10          nition”—

11                 (A) means an automated or semi-auto-  
12                 mated process that—

13                         (i) assists in identifying an individual,  
14                         capturing information about an individual,  
15                         or otherwise generating or assisting in gen-  
16                         erating surveillance information about an  
17                         individual based on the characteristics of  
18                         the individual’s gait, iris, fingerprint, or  
19                         other characteristic ascertained from a dis-  
20                         tance;

21                         (ii) uses voice recognition technology;  
22                         or

23                         (iii) logs such characteristics to infer  
24                         emotion, associations, activities, or the lo-  
25                         cation of an individual; and

1 (B) does not include identification based  
2 on fingerprints or palm prints when such infor-  
3 mation is collected onsite via traditional phys-  
4 ical means (as opposed to fingerprint recogni-  
5 tion systems that identify an individual based  
6 on a photo on which their finger is visible ).

7 (5) USE.—The term “use”—

8 (A) means—

9 (i) the direct use of a biometric sur-  
10 veillance system by a law enforcement offi-  
11 cer or a law enforcement agency; or

12 (ii) a request or agreement by a law  
13 enforcement officer or law enforcement  
14 agency that another law enforcement agen-  
15 cy or other third party use a biometric sur-  
16 veillance system on behalf of the request-  
17 ing officer or agency;

18 (B) includes—

19 (i) running a biometric surveillance  
20 system in real time on images, video, or  
21 audio collected by a body-worn camera;  
22 and

23 (ii) running a biometric surveillance  
24 system on images, video, or audio collected  
25 by a body-worn camera after the data has

1           been collected, such as while reviewing  
2           footage during the course of an investiga-  
3           tion; and

4           (C) does not include—

5                   (i) using a biometric surveillance sys-  
6                   tem on images, video, or audio collected by  
7                   a body-worn camera if the sole purpose of  
8                   using such a system is to aid with  
9                   deidentifying individuals, such as blurring  
10                  faces; and

11                   (ii) using a biometric surveillance sys-  
12                   tem to identify the law enforcement officer  
13                   employing the body-worn camera, such as  
14                   an officer using facial recognition system  
15                   to unlock their mobile phone.