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**SECOND SUBSTITUTE HOUSE BILL 1654**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Ryu, Shea, Morris, Valdez, Kloba, Fitzgibbon, Appleton, Frame, and Tarleton)

AN ACT Relating to the procurement and use of facial recognition technology by government entities in Washington state and privacy rights relating to facial recognition technology; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that the current state of facial recognition technology is less accurate at identifying women, youth, and people of color, potentially leading to the risk of false matches. Accordingly, the legislature finds that results from a facial recognition system should not, by themselves, constitute probable cause in a criminal investigation.

NEW SECTION. **Sec.**  (1) A law enforcement officer may not use the results of a facial recognition system as the sole basis to establish probable cause in a criminal investigation. The results of a facial recognition system may be used in conjunction with other information and evidence obtained by a law enforcement officer to establish probable cause in a criminal investigation.

(2) For purposes of this section:

(a) "Facial recognition" means both:

(i) The automated or semiautomated process by which a person is identified or attempted to be identified based on the characteristics of their face, including identification of known or unknown individuals or groups; and

(ii) The automated or semiautomated process by which the characteristics of an individual's face are analyzed to determine the individual's sentiment, state of mind, or other propensities including but not limited to level of dangerousness.

(b) "Facial recognition system" means any computer software or application that performs facial recognition.

(c) "Law enforcement officer" means a general authority Washington peace officer, a limited authority Washington peace officer, and a specially commissioned Washington peace officer as defined in RCW 10.93.020.

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