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**HOUSE BILL 2761**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Hudgins, Kloba, Wylie, Slatter, Pollet, Santos, and Young

AN ACT Relating to the legislative oversight of technology acquisition and use by law enforcement; and adding a new chapter to Title 10 RCW.

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

NEW SECTION. **Sec.**  (1) A law enforcement agency may not procure or use facial recognition technology without the explicit approval of its respective legislative authority, given for that specific technology to be used for a specific purpose.

(2)(a) A legislative authority shall provide notice and opportunity for public comment before approving the procurement or use of facial recognition technology under subsection (1) of this section.

(b) The notice and authorization provided by the legislative authority shall: (i) Specify the authorized purpose for using the technology; (ii) specify requirements designed to appropriately limit the use of the technology for its intended purpose; and (iii) establish a process for periodically reviewing the law enforcement agency's compliance with the requirements of the authorization and this section.

(3) For the purposes of this section:

(a) "Facial recognition technology" means technology that analyzes facial features for the unique personal identification of natural persons in still or video images. "Facial recognition" includes, but is not limited to:

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

(ii) The automated or semiautomated process by which the characteristics of a person's face are analyzed to determine the person's sentiment, state of mind, or other propensities.

(b) "Law enforcement agency" means any "general authority Washington law enforcement agency" or "limited authority Washington law enforcement agency" as those terms are defined in RCW 10.93.020.

(c) "Legislative authority" means the respective city or county council, commission, or other body in which legislative powers are vested. For a state agency, "legislative authority" refers to the state legislature.

NEW SECTION. **Sec.**  Section 1 of this act constitutes a new chapter in Title 10 RCW.

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