

---

HOUSE BILL 2363

---

State of Washington

66th Legislature

2020 Regular Session

By Representatives Smith, Hudgins, Young, Wylie, Kloba, and Pollet

Prefiled 01/10/20. Read first time 01/13/20. Referred to Committee on Innovation, Technology & Economic Development.

1 AN ACT Relating to providing remedies for violations of biometric  
2 data ownership rights; adding a new chapter to Title 19 RCW; creating  
3 a new section; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds and agrees that  
6 it continues to be a self-evident truth that all persons are created  
7 equal and endowed by their creator with certain inalienable rights,  
8 and that among these are life, liberty, and the pursuit of happiness.  
9 Governments are instituted to protect these rights.

10 (2) No person may be owned by another. We own our own selves and  
11 this is the basis for our individual freedom and authority to set the  
12 terms of our own labor, make political choices, make our own health  
13 choices, and require agreement and consent for various relationships.  
14 This concept of personal autonomy and decision making is eroded, and  
15 the basis of our democracy undermined if others may own, possess,  
16 replicate, store indefinitely, distribute, or manipulate our unique  
17 biometric identifier without our informed consent. The law must  
18 evolve to protect and safeguard our right to own biometric  
19 identifiers because these can be used to replicate and impersonate a  
20 person through digital means and beyond their own lifetime in a way  
21 that previously has not been possible.

1 (3) The legislature intends to affirm this basic premise: A  
2 person should not be able to use surveillance technology to interfere  
3 with the property right each Washingtonian has in our own face,  
4 voice, and other unique biometric identifiers.

5 NEW SECTION. **Sec. 2.** Each person owns and has an exclusive  
6 property right in the person's biometric identifiers.

7 NEW SECTION. **Sec. 3.** (1) The office of the attorney general, in  
8 consultation with the office of privacy and data protection, must  
9 convene a task force to examine the issues related to infringement by  
10 biometric surveillance technology on the biometric identifiers  
11 ownership rights guaranteed in section 2 of this act.

12 (2) The majority of the task force members must be  
13 representatives of organizations that advocate for civil liberties,  
14 consumer rights, and privacy protections.

15 (3) By December 1, 2020, the attorney general must submit to the  
16 relevant committees of the legislature a report that summarizes the  
17 findings of the task force and recommends legal remedies to provide  
18 justice to those whose ownership rights in biometric identifiers are  
19 violated.

20 (4) The definitions in section 4 of this act apply throughout  
21 this section unless the context clearly requires otherwise.

22 (5) This section expires June 30, 2021.

23 NEW SECTION. **Sec. 4.** The definitions in this section apply  
24 throughout this chapter unless the context clearly requires  
25 otherwise.

26 (1) "Biometric identifier" means any information, regardless of  
27 how it is captured, converted, stored, or shared, based on  
28 biological, physiological, or behavioral traits that are uniquely  
29 attributable to a single individual.

30 (2) "Biometric surveillance technology" means any technology or  
31 process capable of collecting, capturing, or replicating a biometric  
32 identifier.

33 NEW SECTION. **Sec. 5.** Sections 1, 2, and 4 of this act  
34 constitute a new chapter in Title 19 RCW.

--- END ---