

Amendment to HB 1642-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT prohibiting the state from using a face recognition system.
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5 Amend the bill by replacing all after the enacting clause with the following:
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7 1 New Subdivision; Breaches of the Peace; Face Recognition Technology Prohibited. Amend
8 RSA 644 by inserting after section 22 the following new subdivision:

9 Face Recognition Technology Prohibited

10 644:23 Definitions. In this subdivision:

11 I. "Face recognition technology" means an automated or semi-automated process that assists
12 in identifying an individual or capturing information about an individual, based on the physical
13 characteristics of an individual's face. It shall not include the process by which an individual
14 visually identifies another individual by viewing a representation of the individual on a computer,
15 video recording, photograph, or other media.

16 II. "State" means any department, agency, bureau, or administrative unit of the state of
17 New Hampshire, including any city, town, county, school district, or municipal entity therein.

18 644:24 Face Recognition Technology Prohibited. The state shall only use a face recognition
19 technology if it has obtained a warrant supported by probable cause and signed by a judge.

20 644:25 Evidence Inadmissible.

21 I. Any data or information collected or derived from the state's own use of face recognition
22 technology in violation of this subdivision shall be inadmissible in any trial, hearing, or other
23 proceeding in or before any court or regulatory agency in the state of New Hampshire.

24 II. Any evidence derived from data or information collected from any use of face recognition
25 technology in violation of this subdivision shall be inadmissible in any trial, hearing, or other
26 proceeding in or before any court or regulatory agency in the state of New Hampshire, unless
27 sufficiently attenuated from the original violation, including but not limited, to an affirmative
28 showing that no state official had requested, facilitated, or otherwise caused the use of face
29 recognition technology by any entity other than the state.

30 2 Drivers' Licenses; Use of Face Recognition Technology Prohibited. RSA 263:40-b is repealed
31 and reenacted to read as follows:

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1 263:40-b Use of Face Recognition Technology Prohibited. The department shall not allow access
2 to any of its digital representations of faces by any face recognition technology nor shall the
3 department use face recognition technology.

4 3 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill prohibits the state from using face recognition technology.