

Date: 2-23-21

House Public Utilities, Energy, and Technology Committee

Bill: SB 34 Governmental Use of Facial Recognition Technology

Sponsor: Sen. Thatcher

Floor Sponsor: Rep. Seegmiller

UASD Position: Tracking

This Bill: addresses the state's use of facial recognition technology.

Discussion: Sen. Thatcher introduced the bill. He acknowledged that facial recognition technology is biased against women and people of color. However, they address that by requiring further checks and balances on the technology. The technology will not be used for low-level infractions. Law enforcement supported the bill previously, but under new leadership their organizations feel the bill goes too far. Many feel the bill does not go far enough. Rep. Seegmiller noted that currently there are no restrictions on government use of facial recognition technology. Someone asked about the first substitute. Sen. Thatcher said it is not his substitute. He does not support changes to the bill. Rep. Christofferson asked if the Department of Public Safety (DPS) is the only organization who can currently run this technology. Sen. Thatcher said only DPS has access to the state driver's license database. This is the most effective of the current databases. However, there is a provision allowing other government agencies to utilize facial recognition as long as they build their own database and inform the public. If a law enforcement agency has an open case and a probable cause statement, they can submit it to DPS who can run a check for the agency. Rep. Peterson asked about the fiscal note. Sen. Thatcher said they are currently using this system, so it doesn't need additional funding. Right now, nothing is prohibited in state code when it comes to facial recognition.

The Utah Chiefs of Police Association's only issue is not being able to use this technology for misdemeanors. The Libertas Institute is neutral on the bill, but they oppose the first substitute. Line 142 requires that the facial recognition technology must come from a company currently in business. The technology that was previously used was no longer used by the company that created it. The Utah Sheriffs Association opposes the bill because of the misdemeanor issue. Rep. Christofferson asked Sheriff Ryan Arbon if he was involved in the negotiation of the original bill. Sheriff Arbon said he personally was not. Rep. Stratton asked if the sheriffs would consider supporting the bill with amendments or substitutions. Sheriff Arbon said they would support the bill if they could use facial recognition for misdemeanors. Marina Lowe spoke on

behalf of the ACLU of Utah. She noted that the sheriffs agreed to the bill under previous leadership. The ACLU supports the original bill but opposes the substitute. Brian William, Lone Peak Chief of Police, spoke in opposition to the bill. Rep. Stratton noted that Ms. Lowe's position seems to be complete opposition to facial recognition, while Chief Williams feels it is a tool that should be utilized. Rep. Romero said when elected officials give people their word, they should stand by it. These organizations agreed to the original bill, so that's what they should pass. Ms. Lowe said the ACLU does not want to ban facial recognition entirely, but it should be regulated. Rep. Christofferson said they can return to these issues, but he supports the original bill since all parties initially agreed to it. Rep. Stratton said he believes at some point they will have to debate the first substitute. He supports the original bill, but would consider supporting the substitute. Part of the legislative process involves changing and refining policy. Rep. Wilcox agreed. They are not bound by previous legislatures; nor are the chiefs and sheriffs bound by their predecessors. However, this legislation is better than no restrictions on facial recognition technology. Sen. Thatcher said he does not mean to impugn the chiefs or sheriffs.

Yeas: 9

Nays: 0

N/V: 3

Outcome: SB 34 passed out of committee with a favorable recommendation.