

HB1046 • Maryland

Criminal Procedure - Facial Recognition Technology - Requirements, Procedures, and Prohibitions

Introduced

Risk: High

Comprehensive

Effective: Oct 01, 2023 | Last Action (Feb 11, 2022): Hearing 2/22 at 1:00 p.m.

Summary

Regulates law enforcement's use of facial recognition tech, requiring audits and compliance checks, and includes provisions for non-criminal uses and mandatory training.

Business Impact

If you use facial recognition in Maryland law enforcement, you must audit annually from 2023 or face compliance issues.

Key Provisions

- Annual audits required for law enforcement using facial recognition.
- Facial recognition results cannot be sole evidence for probable cause.
- Prohibits use for non-violent crime investigations.
- Mandates training and proficiency testing for users, including cultural diversity and implicit bias.
- Requires independent verification of facial recognition results.
- Restricts use based on personal characteristics or beliefs.
- Allows use for identifying missing or deceased persons and other non-criminal activities.

Compliance Checklist

- Conduct annual audits of facial recognition use. | Who: Law enforcement agencies using the technology. | Penalty: Potential exclusion of evidence in court.
- Designate an employee to oversee compliance. | Who: Law enforcement agencies using the technology. | Penalty: Non-compliance may lead to procedural issues.
- Ensure all users complete training and proficiency testing. | Who: Law enforcement personnel using the technology. | Penalty: Non-compliance may lead to exclusion of evidence.

Industries Affected

Law Enforcement

Technology

Topics

Facial Recognition

AI in Law Enforcement

Bill Sponsors

Name	Party	Role
David Moon	D	Sponsor

Related Bills

- SB762 (MD)
- HB223 (MD)
- SB192 (MD)
- HB338 (MD)
- SB182 (MD)

Official Source

<https://mgaleg.maryland.gov/mgaweb/Legislation/Details/HB1046?ys=2022RS>

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