

GOVERNMENT USE OF FACIAL RECOGNITION TECHNOLOGY

Senator **Daniel W. Thatcher** proposes the following amendments:

ITEM 1:

Immediately after line 92, insert the following:

"(8) (a) "Ongoing surveillance" means using a facial recognition system to engage in a sustained effort to track the physical movements of an identified individual through one or more public places over a period of time greater than 72 hours in real time or via application to historical records.

(b) "Ongoing surveillance" does not include:

(i) using a facial recognition system for a single identification or attempted identification of an individual if no subsequent attempt is made to track the individual's movement through real time or through the use of historical records after the individual is identified; or

(ii) using a facial recognition system for a purpose described in Subsection 77-23E-103(3)(a)."

ITEM 2:

On line 115, immediately after "(3)" insert "(a)" and immediately after line 117, insert:

"(b) The department may not use a facial recognition system to conduct ongoing surveillance of an identified individual in a public space, unless:

(i) the request for ongoing surveillance of the identified individual is made by a law enforcement agency;

(ii) the request for ongoing surveillance of the identified individual is made in relation to an active criminal investigation or to mitigate a life-threatening emergency; and

(iii) (A) before beginning the ongoing surveillance, the law enforcement agency obtains a warrant to conduct the ongoing surveillance of the identified individual; or

(B) if exigent circumstances exist that justify beginning surveillance before obtaining a warrant, the law enforcement agency obtains a warrant within 48 hours after beginning the ongoing surveillance.

(c) The department shall immediately discontinue ongoing surveillance of an identified individual under Subsection (3)(b)(iii)(B) if a court refuses to grant a warrant."