117TH CONGRESS
2D SESSION

H. R. 8154

To prohibit use of facial recognition technology on any image acquired by body-worn cameras of law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2022

Mr. BEYER (for himself, Mr. LIEU, Ms. NORTON, and Mr. RUSH) introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To prohibit use of facial recognition technology on any image acquired by body-worn cameras of law enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Facial Recognition

5 Ban on Body Cameras Act".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Facial recognition and other remote biomet-

9 ric surveillance technology pose unique and signifi-

1 cant threats to the civil rights and civil liberties of

2 residents and visitors.

3 (2) The use of facial recognition and other re-

4 mote biometric surveillance is the functional equiva-

5 lent of requiring every person to show a personal

6 photo identification card at all times in violation of

7 recognized constitutional rights. This technology also

8 allows people to be tracked without consent.

9 (3) It would also generate massive databases

10 about law-abiding Americans, and may chill the ex-

11 ercise of free speech in public places.

12 (4) Facial recognition and other remote biomet-

13 ric surveillance technology has been repeatedly dem-

14 onstrated to misidentify women, young people, peo-

15 ple with disabilities, transgender people, and people

16 of color and to create an elevated risk of harmful

17 ''false positive'' identifications.

18 (5) Facial and other remote biometric surveil-

19 lance would corrupt the core purpose of officer-worn

20 body-worn cameras by transforming those devices

21 from transparency and accountability tools into rov-

22 ing surveillance systems.

23 (6) The use of facial recognition and other re-

24 mote biometric surveillance would disproportionately

1   impact the civil rights and civil liberties of persons

2   who live in highly policed communities.

3   (7) Its use would also diminish effective polic-

4   ing and public safety by discouraging people in these

5   communities, including victims of crime, undocu-

6   mented persons, people with unpaid fines and fees,

7   and those with prior criminal history from seeking

8   police assistance or from assisting the police.

9 **SEC. 3. PROHIBITING USE OF FACIAL RECOGNITION TECH-**

10   **NOLOGY AND OTHER REMOTE BIOMETRIC**

11   **SURVEILLANCE SYSTEMS.**

12   (a) FEDERAL FINANCIAL ASSISTANCE.—Beginning

13 on the first day of the first fiscal year beginning after the

14 date of the enactment of this Act, a State or unit of local

15 government is ineligible to receive Federal financial assist-

16 ance under the Byrne grant program under subpart 1 of

17 part E of title I of the Omnibus Crime Control and Safe

18 Streets Act of 1968 unless the State or unit of local gov-

19 ernment is complying with a law or policy that is substan-

20 tially similar to the prohibition set forth in section 4.

21   (b) RULE OF CONSTRUCTION.—Nothing in this sec-

22 tion may be construed to preempt or supersede any Fed-

23 eral, State, or local law that imposes a more stringent lim-

24 itation than the prohibition set forth in section 4.

SEC. 4. FEDERAL PROHIBITION.

A Federal law enforcement agency may not use facial recognition technology or other remote biometric surveillance systems on any image acquired by body-worn cameras of law enforcement officers.

SEC. 5. DEFINITIONS.

In this Act:

(1) BIOMETIC SURVEILLANCE SYSTEM.—The term "biometric surveillance system" means any computer software or application that performs facial recognition or other remote biometric surveillance.

(2) BODY-WORN CAMERA.—The term "body-worn camera" means an officer camera or similar device that records or transmits images or sound and is attached to the body or clothing of, or carried by, a law enforcement officer.

(3) FACIAL RECOGNITION.—The term "facial recognition" means an automated or semi-automated process that—

(A) assists in identifying an individual, capturing information about an individual, or otherwise generating or assisting in generating surveillance information about an individual based on the physical characteristics of the individual's face; or

1   (B) logs characteristics of an individual's

2   face, head, or body to infer emotion, associa-

3   tions, activities, or the location of an individual.

4   (4) OTHER REMOTE BIOMETRIC RECOGNI-

5   TION.—The term "other remote biometric recogni-

6   tion"—

7   (A) means an automated or semi-auto-

8   mated process that—

9   (i) assists in identifying an individual,

10   capturing information about an individual,

11   or otherwise generating or assisting in gen-

12   erating surveillance information about an

13   individual based on the characteristics of

14   the individual's gait or other immutable

15   characteristic ascertained from a distance;

16   (ii) uses voice recognition technology;

17   or

18   (iii) logs such characteristics to infer

19   emotion, associations, activities, or the lo-

20   cation of an individual; and

21   (B) does not include identification based

22   on fingerprints or palm prints.

23   (5) USE.—The term "use" means one or both

24   of the following:

1   (A) The direct use of a biometric surveil-

2   lance system by a law enforcement officer or a

3   law enforcement agency.

4   (B) A request or agreement by a law en-

5   forcement officer or law enforcement agency

6   that another law enforcement agency or other

7   third party use a biometric surveillance system

8   on behalf of the requesting officer or agency.

○