

HB0223/343520/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 223
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Moon and Love**” and substitute “**Moon, Love, Cardin, Conaway, Grammer, Kaufman, Pasteur, Phillips, Simpson, Taylor, Toles, and Williams**”.

AMENDMENT NO. 2

On page 3, in line 12, strike “OR”; after line 12, insert:

“3. FIRST OR SECOND DEGREE CHILD ABUSE UNDER § 3-601 OF THE CRIMINAL LAW ARTICLE;

4. A CHILD PORNOGRAPHY OFFENSE UNDER § 11-207 OF THE CRIMINAL LAW ARTICLE;

5. A HATE CRIME UNDER § 10-304 OF THE CRIMINAL LAW ARTICLE;

6. A WEAPON CRIME UNDER § 4-102, § 4-103, § 4-203(A)(1)(III), § 4-203(A)(1)(IV), § 4-204, OR § 4-303(A)(2) OF THE CRIMINAL LAW ARTICLE;

7. A WEAPON CRIME UNDER § 5-138, § 5-140, § 5-141, § 5-207(C)(16), § 5-406(A)(3), OR § 5-703(A) OF THE PUBLIC SAFETY ARTICLE;

8. AGGRAVATED CRUELTY TO ANIMALS UNDER § 10-606 OR § 10-607 OF THE CRIMINAL LAW ARTICLE;

**9. IMPORTATION OF FENTANYL OR A FENTANYL
ANALOGUE UNDER § 5-614(A)(1)(XII) OF THE CRIMINAL LAW ARTICLE;**

in line 13, strike “**3.**” and substitute “**10.**”; in line 15, after “**SECURITY;**” insert “**OR**”;
after line 15, insert:

**“11. A CRIME UNDER THE LAWS OF ANOTHER STATE
SUBSTANTIALLY EQUIVALENT TO A CRIME LISTED IN ITEMS 1 THROUGH 10 OF
THIS ITEM, INVOLVING A FUGITIVE FROM JUSTICE CHARGED WITH A CRIME IN
THAT STATE AND SOUGHT UNDER TITLE 9 OF THIS ARTICLE;**”;

in line 21, after “**CRIME;**” insert “**OR**”; strike in their entirety lines 22 through 24,
inclusive; and in line 25, strike “**3.**” and substitute “**2.**”.

AMENDMENT NO. 3

On page 4, strike beginning with “**AN**” in line 3 down through “**(3)**” in line 12;
and in line 15, strike “**AND REQUIRED PROFICIENCY TESTING**”.

On page 5, in line 17, after “**ARTICLE**” insert “**, THE NAME OF EACH FACIAL
RECOGNITION SYSTEM USED, A DESCRIPTION OF THE DATABASES SEARCHED,**”;
and in line 18, after “**TECHNOLOGY**” insert “**THAT LED TO FURTHER INVESTIGATIVE
ACTION**”.

AMENDMENT NO. 4

On page 6, in line 13, strike “**AND PROFICIENCY TESTING**”; in line 16, strike
“**PUBLIC SAFETY AND CORRECTIONAL SERVICES**” and substitute “**STATE
POLICE**”; strike beginning with the colon in line 17 down through “**(1)**” in line 18; and
in line 19, strike the semicolon and substitute a period.

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On pages 6 and 7, strike in their entirety the lines beginning with line 20 on page 6 through line 3 on page 7, inclusive.

On page 7, in line 6, strike the colon; in line 7, strike “(1)”; strike beginning with the semicolon in line 9 down through “SECTION” in line 12; and after line 12, insert:

“(C) (1) ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL DEVELOP AND ADMINISTER A TRAINING PROGRAM REGARDING THE USE OF FACIAL RECOGNITION TECHNOLOGY IN THE COURSE OF CRIMINAL INVESTIGATIONS, INCLUDING TRAINING ON CULTURAL DIVERSITY AND IMPLICIT BIAS.

(2) IN DEVELOPING THE TRAINING PROGRAM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL EVALUATE THE AVAILABILITY AND RELEVANCE OF ANY PROFICIENCY TESTING REGARDING THE USE OF FACIAL RECOGNITION TECHNOLOGY IN THE COURSE OF CRIMINAL INVESTIGATIONS.”.

AMENDMENT NO. 5

On page 8, after line 5, insert:

“(C) A LAW ENFORCEMENT AGENCY THAT CONTRACTS FOR USE OF A NON-GOVERNMENT FACIAL RECOGNITION SYSTEM SHALL DISCLOSE ON ITS PUBLIC WEBSITE THE NAME OF THE SYSTEM AND A DESCRIPTION OF THE DATABASES SEARCHED.”.

On pages 8 and 9, strike in their entirety the lines beginning with line 14 on page 8 through line 11 on page 9, inclusive, and substitute:

(Over)

“(1) THE NAME OF EACH FACIAL RECOGNITION SYSTEM AND A DESCRIPTION OF THE DATABASES SEARCHED;

(2) FOR EACH FACIAL RECOGNITION SYSTEM, THE TOTAL NUMBER OF FACIAL RECOGNITION SEARCHES PERFORMED BY THE LAW ENFORCEMENT AGENCY AND THE TYPE OF CRIME OR INCIDENT ASSOCIATED WITH EACH USE;

(3) THE TOTAL NUMBER OF POSSIBLE MATCHES RETURNED THAT LED TO FURTHER INVESTIGATIVE ACTION; AND

(4) ANY DATA BREACHES OR UNAUTHORIZED USES OF FACIAL RECOGNITION TECHNOLOGY UNDER THE LAW ENFORCEMENT AGENCY’S CONTROL.”.