1   HB197

2   216323-1

3   By Representative Scott

4   RFD: Judiciary

5   First Read: 01-FEB-22

1   216323-1:n:01/11/2022:hb/ma LSA2022-144

2

3

4

5

6

7

8   SYNOPSIS: This bill would prohibit state or local law
9   enforcement agencies from using artificial
10   intelligence or a facial recognition service to
11   engage in ongoing surveillance except for in
12   certain circumstances.
13   This bill would prohibit the results of
14   artificial intelligence or a facial recognition
15   service from being the sole basis for making an
16   arrest or for establishing probable cause in a
17   criminal investigation.
18   This bill would also prohibit artificial
19   intelligence or a facial recognition service from
20   being used as a way to identify an individual based
21   on other images.

22

23   A BILL

24   TO BE ENTITLED

25   AN ACT

26

1   Relating to artificial intelligence; to prohibit

2   state or local law enforcement from using artificial

3   intelligence and facial recognition to engage in surveillance

4   with certain exceptions; to prohibit the use of artificial

5   intelligence or a facial recognition service as the sole basis

6   to establish probable cause or arrest; and to prohibit

7   artificial intelligence from being used to identify someone

8   based on other images.

9   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10   Section 1. For the purposes of this act the

11   following terms shall have the following meanings:

12   (1) ARTIFICIAL INTELLIGENCE. Computer systems or

13   other technology able to perform tasks that normally require

14   human intelligence, such as visual perception and speech

15   recognition.

16   (2) FACIAL RECOGNITION SERVICE. Any computer

17   software, algorithm, product, or application that collects or

18   electronically analyzes information for the purpose of

19   identifying an individual by using technology capable of

20   uniquely identifying or verifying a person by comparing and

21   analyzing patterns based on that individual's facial contours.

22   (3) LAW ENFORCEMENT AGENCY. A state department,

23   county sheriff's department, municipal police department, or

24   any other public agency or entity employing law enforcement

25   officers located within the state.

26   (4) LAW ENFORCEMENT OFFICER. An officer employed by

27   the state, or a county or municipality who is certified by the

Alabama Peace Officers' Standards and Training Commission and
who has the power of arrest.

Section 2. (a) A state or local law enforcement
agency may not use artificial intelligence or a facial
recognition service to engage in ongoing surveillance, conduct
real-time or near real-time identification, or start
persistent tracking, except under any of the following
circumstances:

(1) A warrant is obtained that authorizes the use of
the service for those purposes.

(2) Exigent circumstances exist.

(3) A court order is obtained that authorizes the
use of the service for the sole purpose of locating or
identifying a missing person or identifying a deceased person.
A court may issue an ex parte order under this subdivision.

(4) If a law enforcement officer certifies and the
court finds that the information likely to be obtained is
relevant to locating or identifying a missing person or
identifying a deceased person.

(b) A state or local law enforcement agency may not
use the results of artificial intelligence or a facial
recognition service as the sole basis to establish probable
cause in a criminal investigation or to make an arrest. The
results of a facial recognition service may be used only in
conjunction with other information and evidence lawfully
obtained by a law enforcement officer to establish probable
cause in a criminal investigation or to make an arrest.

1   (c) A state or local law enforcement agency may not

2 use artificial intelligence or a facial recognition service to

3 identify an individual based on a sketch or other manually

4 produced image.

5   Section 3. This act shall become effective on the

6 first day of the third month following its passage and

7 approval by the Governor, or its otherwise becoming law.