

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0274.01 Michael Dohr x4347

SENATE BILL 25-143

SENATE SPONSORSHIP

Daugherty and Lundeen,

HOUSE SPONSORSHIP

Armagost and Carter,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE LIMITED USE OF FACIAL RECOGNITION SERVICES BY**
102 **SCHOOLS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

In current law there is a prohibition on schools contracting for facial recognition services that is set to repeal on July 1, 2025. The prohibition contains an exception for a contract executed prior to the date the prohibition became law or a renewal of that contract. The bill removes the repeal and creates new exceptions for contracts that are:

- In effect on the date the bill becomes law;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

- For a product, device, or software application that allows for analysis of facial features for educational purposes in conjunction with curricula; or
- For a product, device, or software application that allows for the analysis of facial features to identify a person who has made a significant threat against a school or the occupants of a school, to identify a missing student when there is a reasonable belief that the student is still on school grounds, or to identify an individual who has been ordered by the court to stay off school district property.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-32-150, **amend**
3 (2)(a); **repeal** (4); and **add** (2)(c), (2)(d), and (2.5) as follows:

4 **22-32-150. Contracting for facial recognition service by**
5 **schools prohibited - definition.** (2) The prohibition described in
6 subsection (1) of this section does not apply to:

7 (a) ~~A contract that was executed before August 10, 2022,~~
8 ~~including such a contract that is renewed after August 10, 2022; or~~ A
9 CONTRACT IN EFFECT ON THE EFFECTIVE DATE OF THIS SENATE BILL
10 25-____;

11 (c) A CONTRACT FOR THE PURCHASE OF A PRODUCT, DEVICE, OR
12 SOFTWARE APPLICATION THAT ALLOWS FOR ANALYSIS OF FACIAL
13 FEATURES FOR EDUCATIONAL PURPOSES IN CONJUNCTION WITH CURRICULA
14 APPROVED BY THE LOCAL SCHOOL BOARD OF A SCHOOL DISTRICT AS
15 DEFINED IN SECTION 22-5-103 (4); OR

16 (d) A CONTRACT FOR THE PURCHASE OF A PRODUCT, DEVICE, OR
17 SOFTWARE APPLICATION THAT ALLOWS FOR THE ANALYSIS OF FACIAL
18 FEATURES UNDER THE FOLLOWING EXIGENT CIRCUMSTANCES:

19 (I) A SCHOOL OFFICIAL OR LAW ENFORCEMENT OFFICER MAKES A
20 DETERMINATION THAT AN INDIVIDUAL WHOSE FACE IS KNOWN HAS MADE

1 AN ARTICULABLE AND SIGNIFICANT THREAT AGAINST A SCHOOL OR THE
2 OCCUPANTS OF A SCHOOL, AND THE USE OF FACIAL RECOGNITION
3 TECHNOLOGY MAY ASSIST IN KEEPING THE SCHOOL AND OCCUPANTS SAFE;

4 (II) A STUDENT ABSCONDS FROM A SCHOOL CLASS, EVENT, OR
5 PROGRAM OR IS OTHERWISE REPORTED AS LOST OR MISSING BY STUDENTS,
6 PARENTS, TEACHERS, OR SCHOOL OFFICIALS, AND THERE IS A REASONABLE
7 BELIEF THAT USING FACIAL RECOGNITION TECHNOLOGY MAY ASSIST IN
8 FINDING THE LOST STUDENT AND THERE IS A REASONABLE BELIEF THAT
9 THE STUDENT IS STILL ON SCHOOL GROUNDS; OR

10 (III) AN INDIVIDUAL HAS BEEN ORDERED BY THE COURT TO STAY
11 OFF SCHOOL DISTRICT PROPERTY, AND, BASED ON THREATENING OR
12 HARASSING BEHAVIOR, AS DETERMINED BY A SCHOOL OFFICIAL OR LAW
13 ENFORCEMENT OFFICER, THERE IS A REASONABLE BELIEF THAT THE
14 INDIVIDUAL MAY ATTEMPT TO REENTER DISTRICT PROPERTY IN THE
15 FUTURE.

16 (2.5) (a) (I) IF A SCHOOL HAS A CONTRACT TO USE FACIAL
17 RECOGNITION SERVICES PURSUANT TO THE EXEMPTION IN SUBSECTION
18 (2)(c) OF THIS SECTION, THE SCHOOL OR CONTRACTOR SHALL NOT
19 PROCESS:

20 (A) A STUDENT'S BIOMETRIC IDENTIFIER WITHOUT FIRST
21 OBTAINING THE STUDENT'S CONSENT AND THE CONSENT OF THE STUDENT'S
22 PARENT OR LEGAL GUARDIAN ON THE FORM DESCRIBED IN SUBSECTION
23 (2.5)(a)(II) OF THIS SECTION;

24 (B) A STAFF MEMBER'S BIOMETRIC IDENTIFIER WITHOUT FIRST
25 OBTAINING THE STAFF MEMBER'S CONSENT ON THE FORM DESCRIBED IN
26 SUBSECTION (2.5)(a)(II) OF THIS SECTION; OR

27 (C) ANY OTHER INDIVIDUAL'S BIOMETRIC IDENTIFIER WITHOUT

1 FIRST OBTAINING THE INDIVIDUAL'S CONSENT AND THE CONSENT OF THE
2 INDIVIDUAL'S PARENT OR LEGAL GUARDIAN IF LEGALLY REQUIRED ON THE
3 FORM DESCRIBED IN SUBSECTION (2.5)(a)(II) OF THIS SECTION.

4 (II) THE CONSENT FORM MUST:

5 (A) BE OPT-IN;

6 (B) BE STAND-ALONE FROM OTHER INFORMATION AND WAIVERS;

7 (C) INCLUDE A NOTICE THAT A BIOMETRIC IDENTIFIER IS BEING
8 COLLECTED, WHAT THE BIOMETRIC IDENTIFIER WILL BE USED FOR, AND
9 WHO WILL BE IN CONTROL OF THE BIOMETRIC IDENTIFIER; AND

10 (D) INCLUDE INFORMATION ABOUT THE RETENTION SCHEDULE OF
11 THE BIOMETRIC IDENTIFIER.

12 (b) (I) IF A SCHOOL HAS A CONTRACT TO USE FACIAL RECOGNITION
13 SERVICES PURSUANT TO THE EXEMPTION IN SUBSECTION (2)(d) OF THIS
14 SECTION, THE SCHOOL SHALL PROVIDE NOTICE TO ALL STUDENTS, PARENTS
15 AND LEGAL GUARDIANS, AND STAFF, AND SHALL POST NOTICES AT THE
16 ENTRANCES TO SCHOOL GROUNDS THAT INDIVIDUALS MAY BE SUBJECT TO
17 USE OF FACIAL RECOGNITION SERVICES ON SCHOOL GROUNDS.

18 (II) IF FACIAL RECOGNITION SERVICES ARE BEING USED FOR ANY OF
19 THE CIRCUMSTANCES PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION,
20 THE FACIAL RECOGNITION SERVICES MUST ONLY BE USED TO IDENTIFY THE
21 SPECIFIC INDIVIDUAL OR INDIVIDUALS IN THE EXEMPTED CIRCUMSTANCE.

22 (III) IF FACIAL RECOGNITION SERVICES ARE BEING USED FOR ANY
23 OF THE CIRCUMSTANCES PURSUANT TO SUBSECTION (2)(d) OF THIS
24 SECTION, THE FACIAL RECOGNITION SERVICES, ONCE TURNED ON, MUST
25 NOT BE USED FOR ANY OTHER PURPOSE DURING THAT TIME FRAME AND
26 MUST BE TURNED OFF IMMEDIATELY UPON IDENTIFICATION OF THE
27 INDIVIDUAL IN THE EXEMPTED CIRCUMSTANCE.

1 (c) A SCHOOL OR SCHOOL CONTRACTOR IN POSSESSION OF
2 BIOMETRIC IDENTIFIERS SHALL NOT RETAIN EACH INDIVIDUAL'S BIOMETRIC
3 IDENTIFIER FOR LONGER THAN EIGHTEEN MONTHS.

4 (4) ~~This section is repealed, effective July 1, 2025.~~

5 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-529, **amend**
6 (2)(a); **repeal** (4); and **add** (2)(c), (2)(d), and (2.5) as follows:

7 **22-30.5-529. Contracting for facial recognition service by**
8 **institute charter schools prohibited - definition.** (2) The prohibition
9 described in subsection (1) of this section does not apply to:

10 (a) ~~A contract that was executed before August 10, 2022,~~
11 ~~including such a contract that is renewed after August 10, 2022; or~~ A
12 CONTRACT IN EFFECT ON THE EFFECTIVE DATE OF THIS SENATE BILL
13 25-____;

14 (c) A CONTRACT FOR THE PURCHASE OF A PRODUCT, DEVICE, OR
15 SOFTWARE APPLICATION THAT ALLOWS FOR ANALYSIS OF FACIAL
16 FEATURES FOR EDUCATIONAL PURPOSES IN CONJUNCTION WITH CURRICULA
17 APPROVED BY THE CHARTER SCHOOL BOARD; OR

18 (d) A CONTRACT FOR THE PURCHASE OF A PRODUCT, DEVICE, OR
19 SOFTWARE APPLICATION THAT ALLOWS FOR THE ANALYSIS OF FACIAL
20 FEATURES UNDER THE FOLLOWING EXIGENT CIRCUMSTANCES:

21 (I) A SCHOOL OFFICIAL OR LAW ENFORCEMENT OFFICER MAKES A
22 DETERMINATION THAT AN INDIVIDUAL WHOSE FACE IS KNOWN HAS MADE
23 AN ARTICULABLE AND SIGNIFICANT THREAT AGAINST A SCHOOL OR THE
24 OCCUPANTS OF A SCHOOL, AND THE USE OF FACIAL RECOGNITION
25 TECHNOLOGY MAY ASSIST IN KEEPING THE SCHOOL AND OCCUPANTS SAFE;

26 (II) A STUDENT ABSCONDS FROM A SCHOOL CLASS, EVENT, OR
27 PROGRAM OR IS OTHERWISE REPORTED AS LOST OR MISSING BY STUDENTS,

1 PARENTS, TEACHERS, OR SCHOOL OFFICIALS, AND THERE IS A REASONABLE
2 BELIEF THAT USING FACIAL RECOGNITION TECHNOLOGY MAY ASSIST IN
3 FINDING THE LOST STUDENT AND THERE IS A REASONABLE BELIEF THAT
4 THE STUDENT IS STILL ON SCHOOL GROUNDS; OR

5 (III) AN INDIVIDUAL HAS BEEN ORDERED BY THE COURT TO STAY
6 OFF SCHOOL DISTRICT PROPERTY, AND, BASED ON THREATENING OR
7 HARASSING BEHAVIOR, AS DETERMINED BY A SCHOOL OFFICIAL OR LAW
8 ENFORCEMENT OFFICER, THERE IS A REASONABLE BELIEF THAT THE
9 INDIVIDUAL MAY ATTEMPT TO REENTER DISTRICT PROPERTY IN THE
10 FUTURE.

11 (2.5) (a) (I) IF A SCHOOL HAS A CONTRACT TO USE FACIAL
12 RECOGNITION SERVICES PURSUANT TO THE EXEMPTION IN SUBSECTION
13 (2)(c) OF THIS SECTION, THE SCHOOL OR SCHOOL CONTRACTOR SHALL NOT
14 PROCESS:

15 (A) A STUDENT'S BIOMETRIC IDENTIFIER WITHOUT FIRST
16 OBTAINING THE STUDENT'S CONSENT AND THE CONSENT OF THE STUDENT'S
17 PARENT OR LEGAL GUARDIAN ON THE FORM DESCRIBED IN SUBSECTION
18 (2.5)(a)(II) OF THIS SECTION;

19 (B) A STAFF MEMBER'S BIOMETRIC IDENTIFIER WITHOUT FIRST
20 OBTAINING THE STAFF MEMBER'S CONSENT ON THE FORM DESCRIBED IN
21 SUBSECTION (2.5)(a)(II) OF THIS SECTION; OR

22 (C) ANY OTHER INDIVIDUAL'S BIOMETRIC IDENTIFIER WITHOUT
23 FIRST OBTAINING THE INDIVIDUAL'S CONSENT AND THE CONSENT OF THE
24 INDIVIDUAL'S PARENT OR LEGAL GUARDIAN IF LEGALLY REQUIRED ON THE
25 FORM DESCRIBED IN SUBSECTION (2.5)(a)(II) OF THIS SECTION; AND

26 (II) THE CONSENT FORM MUST:

27 (A) BE OPT-IN;

1 (B) BE STAND-ALONE FROM OTHER INFORMATION AND WAIVERS;

2 (C) INCLUDE A NOTICE THAT A BIOMETRIC IDENTIFIER IS BEING
3 COLLECTED, WHAT THE BIOMETRIC IDENTIFIER WILL BE USED FOR, AND
4 WHO WILL BE IN CONTROL OF THE BIOMETRIC IDENTIFIER; AND

5 (D) INCLUDE INFORMATION ABOUT THE RETENTION SCHEDULE OF
6 THE BIOMETRIC IDENTIFIER.

7 (b) (I) IF A SCHOOL HAS A CONTRACT TO USE FACIAL RECOGNITION
8 SERVICES PURSUANT TO THE EXEMPTION IN SUBSECTION (2)(d) OF THIS
9 SECTION, THE SCHOOL SHALL PROVIDE A NOTICE TO ALL STUDENTS,
10 PARENTS AND LEGAL GUARDIANS, AND STAFF, AND SHALL POST NOTICES
11 AT THE ENTRANCES TO SCHOOL GROUNDS THAT INDIVIDUALS MAY BE
12 SUBJECT TO USE OF FACIAL RECOGNITION SERVICES ON SCHOOL GROUNDS.

13 (II) IF FACIAL RECOGNITION SERVICES ARE BEING USED FOR ANY OF
14 THE CIRCUMSTANCES PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION,
15 THE FACIAL RECOGNITION SERVICES MUST ONLY BE USED TO IDENTIFY THE
16 SPECIFIC INDIVIDUAL OR INDIVIDUALS IN THE EXEMPTED CIRCUMSTANCE.

17 (III) IF FACIAL RECOGNITION SERVICES ARE BEING USED FOR ANY
18 OF THE CIRCUMSTANCES PURSUANT TO SUBSECTION (2)(d) OF THIS
19 SECTION, THE FACIAL RECOGNITION SERVICES, ONCE TURNED ON, MUST
20 NOT BE USED FOR ANY OTHER PURPOSE DURING THAT TIME FRAME AND
21 MUST BE TURNED OFF IMMEDIATELY UPON IDENTIFICATION OF THE
22 INDIVIDUAL IN THE EXEMPTED CIRCUMSTANCE.

23 (c) A SCHOOL OR SCHOOL CONTRACTOR IN POSSESSION OF
24 BIOMETRIC IDENTIFIERS SHALL NOT RETAIN EACH INDIVIDUAL'S BIOMETRIC
25 IDENTIFIER FOR LONGER THAN EIGHTEEN MONTHS.

26 (4) ~~This section is repealed, effective July 1, 2025.~~

27 **SECTION 3. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions.