

SECOND REGULAR SESSION

HOUSE BILL NO. 2375

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SAIN.

5177H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 407 and 590, RSMo, by adding thereto two new sections relating to biometric data, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 407 and 590, RSMo, are amended by adding thereto two new sections, to be known as sections 407.1550 and 590.300, to read as follows:

407.1550. 1. As used in this section, "biometric data" means any physiological, biological, or behavioral characteristic of an individual that can be used, singly or in combination with other biometric data or identifying data, to determine the identity of an individual. "Biometric data" includes, but is not limited to:

(1) Deoxyribonucleic acid (DNA);
(2) Exercise, health, or sleep data that contain identifying information; and
(3) Imagery of the iris; patterns of a face, fingerprint, hand, palm, or retina; patterns of veins; patterns or rhythms of a gait or keystrokes; or voice recordings from which an identifier template, such as a faceprint, a minutiae template, or a voiceprint, can be extracted.

2. No person or entity shall disclose, obtain, retain, or use any biometric data about an individual with whom the person or entity is engaged in trade or commerce for any purpose other than that which the individual reasonably expects.

3. A violation of this section shall be deemed an unlawful practice and punishable by a class B misdemeanor for each violation.

590.300. 1. As used in this section, the following terms mean:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

2 (1) **"Behavioral information"**, information derived from biometric data that
3 assesses an individual's emotions, level of dangerousness, sentiment, or state of mind or
4 assesses suspicious behavior;

5 (2) **"Biometric data"**, any behavioral, biological, or physiological characteristic that
6 can be used, singly or in combination with other biometric data, to establish behavioral
7 information or identifying information;

8 (3) **"Biometric surveillance system"**, any computer software or application that
9 performs facial recognition or other biometric surveillance;

10 (4) **"Facial recognition or other biometric surveillance"**, an automated or
11 semiautomated process that, singly or in combination, analyzes, captures, or generates
12 biometric data, or assists in analyzing, capturing, or generating biometric data, to
13 determine behavioral information or identifying information. **"Facial recognition or other
14 biometric surveillance"** shall not include an automated or semiautomated process used to
15 redact a recording for release or disclosure outside a law enforcement agency to protect the
16 privacy of an individual depicted in the recording, so long as the process does not generate
17 or result in the retention of any biometric data, behavioral information, or identifying
18 information;

19 (5) **"Identifying information"**, any information about a known or unknown
20 individual including, but not limited to, an individual's criminal background, date of birth,
21 gender, or name;

22 (6) **"Officer camera"**, a camera or similar device that records or transmits images
23 or sound and is:

24 (a) Attached to the body or clothing of a peace officer;

25 (b) Carried by a peace officer; or

26 (c) Temporarily or permanently installed in a stationary place to view a public
27 space or private venue accessible to the public.

28 2. No law enforcement agency or peace officer shall install, activate, use, or request
29 from another law enforcement agency or peace officer any biometric surveillance system
30 in connection to an officer camera or data collected by an officer camera.

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