STATE OF NEW YORK

1447

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the use of facial recognition and biometric information for determining probable cause

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 837-x of the executive law, as amended by chapter 138 of the laws of 2023, is renumbered section 837-y and a new section 837-z is added to read as follows:

§ 837-z. Use of biometric identifying technology. 1. As used in this section:

(a) "Biometric identifying technology" shall mean any computer software, algorithm, product, or application that collects or electronically analyzes biometric information for the purposes of identifying an individual, including but not limited to facial recognition.

(b) "Biometric information" shall mean any measurable physical or behavioral characteristics that are attributable to an individual person, including but not limited to facial characteristics, fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics that can be used to identify a person including, but not limited to: fingerprints; handprints; retina and iris patterns; DNA sequence; voice; gait; and facial geometry.

(c) "Facial recognition" shall mean a biometric application or biometric identifying technology capable of uniquely identifying or verifying a person by comparing and analyzing patterns based on the person's facial contours.

2. Biometric identifying technology shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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3. Not later than January first, two thousand twenty-seven, each municipal police department, sheriff's office, and the division of state police shall adopt a written policy that prohibits the stopping, detention or search of any person when such action is solely motivated by biometric identifying technology.

4. If a municipal police department, sheriff's office, or the division of state police fails to comply with the provisions of this section, the division of criminal justice services shall order an appropriate penalty in the form of the withholding of state funds from such municipal police department, sheriff's office or the division of state police.

§ 2. This act shall take effect immediately.