STATE OF NEW YORK

9172

IN SENATE

October 5, 2018

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to prohibit the state, state agencies and departments and contractors doing business with the state, its agencies or departments from retaining facial recognition images or sharing such images with third parties without legal authorization by a court

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

Section 1. Notwithstanding any law, rule or regulation to the contrary, in the absence of legal authorization issued by a court of competent jurisdiction, the state, state agencies and departments and contractors engaged in business with the state, its agencies or departments are prohibited from utilizing any record management system or plan:

a. as a repository of, storage system for, or a means of sharing facial recognition functionality; and

b. as a repository or storage system for aggregate License Plate Reader (LPR) data records, aggregate audio surveillance recordings, aggregate video surveillance images, or aggregate driver license photographs; provided that nothing in this section shall prevent an authorized state agency or department from storing in a record management system a specifically-identified license plate reader data record, audio surveillance record, video surveillance record, driver license photograph record that was lawfully obtained as part of a specific criminal investigation; nor shall anything in this section prevent the sharing through a record management system of such a specifically-identified license plate reader record, audio surveillance record, video surveillance record or driver license photograph record that may lawfully be shared under the laws of the State of New York.

§ 2. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.

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

LBD16447-01-8