STATE OF NEW YORK

8311

IN SENATE

May 11, 2020

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the civil rights law, in relation to banning the use of facial recognition technology in the tracking of the coronavirus (COVID-19)

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

Section 1. The civil rights law is amended by adding a new section 52-c to read as follows:

§ 52-c. Use of facial recognition technology to track COVID-19 prohibited. 1. It is unlawful for any person or any state agency, department, or office to obtain, retain, access or use facial recognition technology to track persons infected with or exposed to the novel coronavirus (COVID-19).

2. For the purposes of this section, "facial recognition technology" means the automated or semi-automated process by which a person is identified or attempted to be identified based on the characteristics of their face, including identification of known or unknown individuals or groups.

3. Wherever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice, that the defendant has, in fact, violated this section an injunction may be issued by such court or justice enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding, the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not more than five thousand dollars. In

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

LBD16326-01-0

connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

§ 2. This act shall take effect immediately.