

# 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:

1 Section 1. The civil rights law is amended by adding a new section  
2 52-c to read as follows:

3 § 52-c. Use of facial recognition technology to track COVID-19 prohib-  
4 ited. 1. It is unlawful for any person or any state agency, department,  
5 or office to obtain, retain, access or use facial recognition technology  
6 to track persons infected with or exposed to the novel coronavirus  
7 (COVID-19).

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

13 3. Wherever there shall be a violation of this section, an application  
14 may be made by the attorney general in the name of the people of the  
15 state of New York to a court or justice having jurisdiction to issue an  
16 injunction, and upon notice to the defendant of not less than five days,  
17 to enjoin and restrain the continuance of such violations; and if it  
18 shall appear to the satisfaction of the court or justice, that the  
19 defendant has, in fact, violated this section an injunction may be  
20 issued by such court or justice enjoining and restraining any further  
21 violation, without requiring proof that any person has, in fact, been  
22 injured or damaged thereby. In any such proceeding, the court may make  
23 allowances to the attorney general as provided in paragraph six of  
24 subdivision (a) of section eighty-three hundred three of the civil prac-  
25 tice law and rules, and direct restitution. Whenever the court shall  
26 determine that a violation of this section has occurred, the court may  
27 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

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

5 § 2. This act shall take effect immediately.