

# STATE OF NEW YORK

4916

2021-2022 Regular Sessions

## IN ASSEMBLY

February 8, 2021

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

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:

1 Section 1. Notwithstanding any law, rule or regulation to the contra-  
2 ry, in the absence of legal authorization issued by a court of competent  
3 jurisdiction, the state, state agencies and departments and contractors  
4 engaged in business with the state, its agencies or departments are  
5 prohibited from utilizing any record management system or plan:  
6 a. as a repository of, storage system for, or a means of sharing  
7 facial recognition functionality; and  
8 b. as a repository or storage system for aggregate License Plate Read-  
9 er (LPR) data records, aggregate audio surveillance recordings, aggre-  
10 gate video surveillance images, or aggregate driver license photographs;  
11 provided that nothing in this section shall prevent an authorized state  
12 agency or department from storing in a record management system a  
13 specifically-identified license plate reader data record, audio surveil-  
14 lance record, video surveillance record, driver license photograph  
15 record that was lawfully obtained as part of a specific criminal inves-  
16 tigation; nor shall anything in this section prevent the sharing through  
17 a record management system of such a specifically-identified license  
18 plate reader record, audio surveillance record, video surveillance  
19 record or driver license photograph record that may lawfully be shared  
20 under the laws of the State of New York.  
21 § 2. This act shall take effect on the first of January next succeed-  
22 ing the date upon which it shall have become a law. Effective immediate-  
23 ly, the addition, amendment and/or repeal of any rule or regulation  
24 necessary for the implementation of this act on its effective date are  
25 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.

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