

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB741

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|------------------------|-------------------------------------|--------------|--------------------------|------------|--------------------------|-----------|
| House of Origin | <input checked="" type="checkbox"/> | Introduced | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Engrossed |
| Second House | <input type="checkbox"/> | In Committee | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Enrolled |

2. Patron: Surovell

3. Committee: General Laws and Technology

4. Title: Facial recognition technology; authorized uses.

5. Summary: Defines “facial recognition technology” as an electronic system or service for conducting an algorithmic comparison of images of a person’s facial features for the purpose of verification or identification. The bill provides that local law enforcement agencies and campus police departments may only use such technology for investigating a specific criminal incident, or a specific citizen welfare situation. The bill requires the Division of Purchases and Supply to select the appropriate technology for use by law enforcement agencies. Additionally, according to the bill, matches made using the technology shall not constitute probable cause for an arrest but are admissible as exculpatory evidence, and law enforcement agencies may use the technology to compare or query against lawfully acquired or accessed images or image databases. The bill requires the Department of State Police (VSP), in consultation with stakeholders, to develop a model policy regarding the investigative uses of this technology, and law enforcement agencies are required to either adopt VSP’s policy or develop their own. The bill requires law enforcement agencies to maintain records sufficient to facilitate discovery of compliance with these policies. Any chief of police whose agency uses this technology must publish an annual report to provide information to the public regarding the agency’s use of the technology, according to the bill. Law enforcement agencies are also required to notify the locality’s governing body or the public institution of higher education at least 30 days before the agency procures any facial recognition technology.

6. Budget Amendment Necessary: Indeterminate.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: This bill is not anticipated to have a fiscal impact on the Virginia Alcoholic Beverage Control Authority, the Department of State Police, the Office of the State Inspector General, the Division of Capitol Police, the Department of Juvenile Justice, the Department of Conservation and Recreation, or the Virginia Information Technologies Agency.

Information about any potential fiscal impact on the Division of Purchases and Supply, within the Department of General Services, is unavailable at this time. This impact statement will be updated when information becomes available.

9. Specific Agency or Political Subdivisions Affected: Department of General Services, Virginia Information Technologies Agency, State and local law enforcement agencies, localities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.