

1 S.124

2 Representatives Copeland Hanzas of Bradford and Gardner of Richmond
3 move that the report of the Committee on Government Operations be amended
4 as follows:

5 First: In Sec. 4, 20 V.S.A. § 2352 (Council membership), in subdivision
6 (a)(3), following “The Governor shall appoint the Chair of the Council from
7 among the” by striking out “public members set forth in subdivision (a)(1)(N)
8 of this section” and inserting in lieu thereof “members set forth in subdivisions
9 (1)(D) and (K)–(N) of this subsection”

10 Second: By striking out in its entirety Sec. 14, 20 V.S.A. § 2369
11 (prohibition on facial recognition technology) and inserting in lieu thereof a
12 new Sec. 14 to read as follows:

13 Sec. 14. MORATORIUM ON FACIAL RECOGNITION TECHNOLOGY

14 (a) Until the use of facial recognition technology by law enforcement
15 officers is authorized by an enactment of the General Assembly, a law
16 enforcement officer shall not use facial recognition technology or information
17 acquired through the use of facial recognition technology unless the use would
18 be permitted with respect to drones under 20 V.S.A. § 4622 (law enforcement
19 use of drones).

1 (b) As used in this section:

2 (1) “Facial recognition” means:

3 (A) the automated or semi-automated process that identifies or
4 attempts to identify a person based on the characteristics of the person’s face,
5 including identification of known or unknown persons or groups; or

6 (B) the automated or semiautomated process by which the
7 characteristics of a person’s face are analyzed to determine the person’s
8 sentiment, state of mind, or other propensities, including the person’s level of
9 dangerousness.

10 (2) “Facial recognition technology” means any computer software or
11 application that performs facial recognition.

12 (3) “Law enforcement officer” has the same meaning as in 20 V.S.A.
13 § 2351a.

14 Third: In Sec. 16 (law enforcement recommendations), by adding a
15 subdivision (8) to read as follows:

16 (8) Facial recognition technology. After analyzing any law enforcement
17 needs to use facial recognition technology, analyzing any potential
18 inaccuracies or other limitations in the capacities of that technology, including
19 implicit biases, and an opportunity for community involvement and feedback,
20 the Council shall recommend a statewide policy on law enforcement officers’
21 acquisition and use of facial recognition technology, in light of the moratorium

1 set forth in Sec. 14 of this act. If the Council will recommend the authority for
2 officers to acquire and use facial recognition technology, the Council shall
3 recommend a plan to mitigate any implicit bias that results from the use of that
4 technology.

5 Fourth: In Sec. 32 (regional planning commissions; inventory of municipal
6 public safety resources), in subsection (b), in the first sentence, following “On
7 or before” by striking out “July 1, 2022” and inserting in lieu thereof
8 “December 31, 2021”