

## 1 HOUSE JOINT RESOLUTION NO. 48

2 INTRODUCED BY K. SULLIVAN, B. BENNETT, K. BOGNER, P. FLOWERS, J. CARLSON, J. KASSMIER, E.  
3 KERR-CARPENTER, D. SKEES, B. USHER, K. ZOLNIKOV

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5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
6 MONTANA REQUESTING AN INTERIM STUDY TO EXAMINE THE USE OF FACIAL RECOGNITION  
7 TECHNOLOGY IN THE STATE, STUDY THE SECURITY OF FACIAL RECOGNITION TECHNOLOGY, AND  
8 EVALUATE POTENTIAL PROTECTIVE MEASURES AND LIMITATIONS; AND REQUIRING THE FINAL  
9 RESULTS OF THE STUDY BE REPORTED TO THE 68TH LEGISLATURE.

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11 WHEREAS, facial recognition technology is a new and emerging technology that is used to identify or  
12 verify individuals using their facial structure; and

13 WHEREAS, facial recognition systems can be used to identify individuals from photos, video, or real-  
14 time surveillance; and

15 WHEREAS, facial recognition technology is increasingly used by Montana businesses and government  
16 agencies, including law enforcement; and

17 WHEREAS, several federal, state, and local governments use the technology for widely varying  
18 purposes with data shared among entities; and

19 WHEREAS, facial recognition technology can be used without the individual's knowledge, can be prone  
20 to error, can be an invasion of privacy, and creates a risk of data theft; and

21 WHEREAS, the technology can be used to investigate and solve crimes, prevent fraud, and help find  
22 missing people; and

23 WHEREAS, other states and local governments have enacted protective measures and limitations on  
24 the use of facial recognition technology, however, no limitations currently exist in Montana; and

25 WHEREAS, when considering emerging surveillance technology, it is essential for the Legislature to  
26 protect the privacy and constitutional rights of Montanans while allowing appropriate use by government  
27 agencies.

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1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
2 THE STATE OF MONTANA:

3 That the Legislative Council be requested to designate an appropriate interim committee or statutory  
4 committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

5 (1) examine which agencies use facial recognition technology and for what purpose in the state;

6 (2) study the uses of facial recognition technology in investigations and criminal actions in Montana;

7 (3) study the security of facial recognition data collected by state agencies and how it is shared

8 among local, state, and federal agencies; and

9 (4) evaluate the protective measures and limitations on facial recognition technology implemented by  
10 other states.

11 BE IT FURTHER RESOLVED, that the study include input from the appropriate stakeholders, including  
12 but not limited to representatives of state agencies and private sector entities that employ facial recognition  
13 technology.

14 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be  
15 presented to and reviewed by an appropriate committee designated by the Legislative Council.

16 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
17 requirements, be concluded prior to September 15, 2022.

18 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
19 comments, or recommendations of the appropriate committee, be reported to the 68th Legislature.

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