



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

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

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

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

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

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

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

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

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

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

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

- (1) examine which agencies use facial recognition technology and for what purpose in the state;
- (2) study the uses of facial recognition technology in investigations and criminal actions in Montana;
- (3) study the security of facial recognition data collected by state agencies and how it is shared among local, state, and federal agencies; and
- (4) evaluate the protective measures and limitations on facial recognition technology implemented by other states.

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

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

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

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

- END -

I hereby certify that the within bill,
HJ 48, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE JOINT RESOLUTION NO. 48

INTRODUCED BY K. SULLIVAN, B. BENNETT, K. BOGNER, P. FLOWERS, J. CARLSON, J. KASSMIER, E.
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