



# Economic Affairs Interim Committee

67th Montana Legislature

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## Facial Recognition Bill Comparison

The Economic Affairs Interim Committee has two provisional drafts to consider for a committee bill prohibiting or restricting the use of facial recognition technology. This memo provides a brief comparison of the bills.

Provision	PD0007	PD0011
Is facial surveillance allowed?	No	No
Is FRT allowed by all state or local agencies	No	No
Is FRT allowed any state or local agencies?	Yes – DOJ only	No
Is FRT allowed by law enforcement?	No, however law enforcement can request DOJ perform a search, if there's a warrant, and if it's for a serious crime	No
Can DLI continue its existing third-party contracts for identity verification?	Yes, however the third-party vendor must adhere to the new notice and privacy policy requirements upon contract renewal	No
Can DOC continue its existing third-party contracts for probation services?	Yes, however the third-party vendor must adhere to the new notice and privacy policy requirements upon contract renewal	No
Can MVD continue its existing third-party contracts for identity verification?	Yes, however the third-party vendor must adhere to the new notice and privacy policy requirements upon contract renewal	No
Are there any other exemptions?	Federal exemptions, such as use at an airport	Federal exemptions, such as use at an airport
Is disclosure to criminal defendants required?	Yes	Yes
Is legislative reporting required?	Yes	Yes
Is there a penalty for violation?	Yes, civil penalties apply, and are varying in amounts	Yes, civil penalties apply, and are varying in amounts