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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 240

01/21/2021

Authored by Quam

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; requiring use of facial recognition technology as part of
1.3 the driver's license and Minnesota identification card application process; proposing
1.4 coding for new law in Minnesota Statutes, chapter 171.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [171.0602] FRAUD DETECTION; FACIAL RECOGNITION.

1.7 (a) The commissioner must, for each driver's license or Minnesota identification card
1.8 application or renewal, use facial recognition technology as a means to (1) ensure no
1.9 individual is issued multiple licenses or identification cards, (2) prevent identification fraud,
1.10 and (3) expedite application processing times.

1.11 (b) When evaluating a driver's license or Minnesota identification card application under
1.12 this section, the commissioner must incorporate facial recognition software that uses
1.13 mathematical algorithms to identify features of the applicant's face and compare the features
1.14 against the photographs, algorithms, and other data stored in (1) the Department of Public
1.15 Safety's driver and identification card records, (2) relevant Federal Bureau of Investigation
1.16 records, and (3) any other relevant databases or record systems that provide law enforcement
1.17 or criminal history information.

1.18 (c) If a possible identity match is identified by the facial recognition software under
1.19 paragraph (b), the application and record must be reviewed by a department employee to
1.20 determine whether the match is valid. If the department employee determines the match is
1.21 valid, the commissioner (1) is prohibited from issuing a driver's license or Minnesota
1.22 identification card to the applicant subject to the identity match until the match is invalidated,
1.23 and (2) must refer the matter to an appropriate law enforcement entity.

2.1 (d) Upon receipt of an identity match confirmed by the department under paragraph (c),
2.2 the law enforcement entity receiving the referral must reevaluate the identity match to
2.3 determine whether the match is valid. The law enforcement entity must notify the
2.4 commissioner of the evaluation results under this paragraph. If the law enforcement entity
2.5 determines the identity match is valid, it may refer the matter for criminal prosecution. The
2.6 commissioner is prohibited from issuing a driver's license or Minnesota identification card
2.7 to an applicant if the law enforcement entity determines the referred identity match is valid.
2.8 The commissioner may issue a driver's license or Minnesota identification card to an applicant
2.9 if the law enforcement entity determines the referred identity match is invalid, subject to
2.10 the other requirements of this chapter.

2.11 **EFFECTIVE DATE.** This section is effective January 1, 2023, and applies to driver's
2.12 license and Minnesota identification card applications and renewals occurring on or after
2.13 that date.