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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1196

02/18/2021 Authored by Gomez, Becker-Finn, Munson, Miller, Lucero and others
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; prohibiting the acquisition and use of facial recognition
1.3 technology by government entities; proposing coding for new law in Minnesota
1.4 Statutes, chapter 626.

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

1.6 Section 1. [626.191] FACIAL RECOGNITION TECHNOLOGY.

1.7 Subdivision 1. Definitions. As used in this section:

1.8 (1) "face surveillance" means an automated or semiautomated process that assists in
1.9 identifying an individual or capturing information about an individual, based on the physical
1.10 characteristics of an individual's face;

1.11 (2) "face surveillance system" means any computer software or application that performs
1.12 face surveillance;

1.13 (3) "government entity" means any state or local unit of government or law enforcement
1.14 agency; and

1.15 (4) "government official" means any person acting on behalf of a government entity.

1.16 Subd. 2. Ban on government use of face surveillance. A government entity or
1.17 government official may not:

1.18 (1) obtain, retain, access, or use any face surveillance system or any information obtained
1.19 from a face surveillance system; or

2.1 (2) enter into an agreement or arrangement with a private entity to obtain, retain, access,
2.2 or use any face surveillance system or any information obtained from a face surveillance
2.3 system.

2.4 Subd. 3. **Enforcement.** (a) No data collected or derived from any use of face surveillance
2.5 in violation of this section and no evidence derived from its use may be received in evidence
2.6 in any trial, hearing, or other proceeding in or before any court, grand jury, department,
2.7 officer, agency, regulatory body, legislative committee, or other authority subject to state
2.8 law. Face surveillance data collected or derived in violation of this section is considered
2.9 unlawfully obtained, and must be deleted upon discovery.

2.10 (b) A violation of this section constitutes an injury and a person may institute proceedings
2.11 for injunctive relief, declaratory relief, or writ of mandate in any court of competent
2.12 jurisdiction. An action instituted under this paragraph may be brought against the respective
2.13 government entity, and, if necessary to effectuate compliance with this section, any other
2.14 government entity with possession, custody, or control of data subject to this section.

2.15 (c) A person who has been subjected to face recognition in violation of this section, or
2.16 about whom information has been obtained, retained, accessed, or used in violation of this
2.17 section, may institute proceedings in any court of competent jurisdiction against the
2.18 government entity and shall be entitled to recover actual damages, but not less than liquidated
2.19 damages of \$1,000 or \$100 for each violation, whichever is greater.

2.20 (d) A court shall award costs and reasonable attorney fees to a plaintiff who is the
2.21 prevailing party in an action brought under paragraph (b) or (c).

2.22 (e) Violations of this section by a government official may be addressed through
2.23 retraining, suspension, or termination, subject to due process requirements.

2.24 **EFFECTIVE DATE.** This section is effective August 1, 2021.