

1 SB113
2 208710-1
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 01/28/2021

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8 SYNOPSIS: This bill would prohibit state or local law
9 enforcement agencies from using artificial
10 intelligence or a facial recognition service to
11 engage in ongoing surveillance except for in
12 certain circumstances.

13 This bill would prohibit the results of
14 artificial intelligence or a facial recognition
15 service from being the sole basis for making an
16 arrest or for establishing probable cause in a
17 criminal investigation.

18 This bill would also prohibit artificial
19 intelligence or a facial recognition service from
20 being used as a way to identify an individual based
21 on other images.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
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1 Relating to artificial intelligence; to prohibit
2 state or local law enforcement from using artificial
3 intelligence and facial recognition to engage in surveillance
4 with certain exceptions; to prohibit the use of artificial
5 intelligence or a facial recognition service as the sole basis
6 to establish probable cause or arrest; and to prohibit use of
7 artificial intelligence from being used to identify someone
8 based on other images.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. a) For the purposes of this Act the
11 following terms shall have the following meanings:

12 (1) ARTIFICIAL INTELLIGENCE. Computer systems or
13 other technology able to perform tasks that normally require
14 human intelligence, such as visual perception and speech
15 recognition.

16 (2) FACIAL RECOGNITION SERVICE. Any computer
17 soft-ware, algorithm, product, or application that collects or
18 electronically analyzes information for the purpose of
19 identifying an individual by using technology capable of
20 uniquely identifying or verifying a person by comparing and
21 analyzing patterns based on that individuals facial contours.

22 Section 2. (a) A state or local law enforcement
23 agency may not use artificial intelligence or a facial
24 recognition service to engage in ongoing surveillance, conduct
25 real-time or near real-time identification, or start
26 persistent tracking except under any of the following
27 circumstances:

1 (1) A warrant is obtained that authorizes the use of
2 the service for those purposes.

3 (2) Exigent circumstances exist.

4 (3) A court order is obtained that authorizes the
5 use of the service for the sole purpose of locating or
6 identifying a missing person or identifying a deceased person.
7 A court may issue an ex parte order under this subdivision.

8 (4) If a law enforcement officer certifies and the
9 court finds that the information likely to be obtained is
10 relevant to locating or identifying a missing person or
11 identifying a deceased person.

12 (b) A state or local law enforcement agency may not
13 use the results of artificial intelligence or a facial
14 recognition service as the sole basis to establish probable
15 cause in a criminal investigation or to make an arrest. The
16 results of a facial recognition service may be used only in
17 conjunction with other information and evidence lawfully
18 obtained by a law enforcement officer to establish probable
19 cause in a criminal investigation or to make an arrest.

20 (c) A state or local law enforcement agency may not
21 use artificial intelligence or a facial recognition service to
22 identify an individual based on a sketch or other manually
23 produced image.

24 Section 3. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.