

**CITY OF BALTIMORE
COUNCIL BILL 20-0606
(First Reader)**

Introduced by: Councilmembers Burnett, Cohen, Clarke, Sneed, Dorsey, President Scott,
Councilmember Middleton

Introduced and read first time: September 21, 2020

Assigned to: Public Safety Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Mayor's Office of Criminal Justice,
Baltimore City Information Technology, Police Department, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Banning Face Surveillance Technology in Baltimore**

3 FOR the purpose of prohibiting Baltimore City government from purchasing or obtaining certain
4 face surveillance technology; prohibiting Baltimore City government from contracting or
5 subcontracting with another for the purpose of face surveillance technology; prohibiting any
6 person in Baltimore City from obtaining, retaining, accessing, or using certain face
7 surveillance technology or any information obtained from certain face surveillance
8 technology; providing for certain penalties; and defining certain terms.

9 BY adding

10 Article 5 - Finance, Property, and Procurement
11 Section(s) 41-4
12 Baltimore City Code
13 (Edition 2000)

14 BY adding

15 Article 19 - Police Ordinances
16 Section(s) 18-1 through 18-3, to be under the new subtitle,
17 "Subtitle 18. Face Surveillance"
18 Baltimore City Code
19 (Edition 2000)

20 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
21 Laws of Baltimore City read as follows:

22 **Baltimore City Code**

23 **Article 5. Finance, Property, and Procurement**

24 **Subtitle 41. Prohibited Contracts**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 20-0606

1 **§ 41-4. FACE SURVEILLANCE TECHNOLOGY.**

2 (A) *DEFINITIONS.*

3 (1) *IN GENERAL.*

4 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS SPECIFIED.

5 (2) *FACE SURVEILLANCE.*

6 “FACE SURVEILLANCE” MEANS AN AUTOMATED OR SEMI-AUTOMATED PROCESS THAT
7 ASSISTS IN IDENTIFYING OR VERIFYING AN INDIVIDUAL BASED ON THE PHYSICAL
8 CHARACTERISTICS OF THE INDIVIDUAL’S FACE.

9 (3) *FACE SURVEILLANCE SYSTEM.*

10 (I) *IN GENERAL.*

11 “FACE SURVEILLANCE SYSTEM” MEANS ANY COMPUTER SOFTWARE OR
12 APPLICATION THAT PERFORMS FACE SURVEILLANCE.

13 (II) *EXCLUSION.*

14 “FACE SURVEILLANCE SYSTEM” DOES NOT INCLUDE A BIOMETRIC SECURITY
15 SYSTEM DESIGNED SPECIFICALLY TO PROTECT AGAINST UNAUTHORIZED ACCESS TO
16 A PARTICULAR LOCATION OR AN ELECTRONIC DEVICE.

17 (B) *PURCHASE PROHIBITED.*

18 THE CITY OF BALTIMORE MAY NOT PURCHASE OR OTHERWISE OBTAIN A FACE
19 SURVEILLANCE SYSTEM OR FACE SURVEILLANCE SYSTEMS.

20 (C) *CONTRACTOR USE PROHIBITED.*

21 THE CITY OF BALTIMORE MAY NOT CONTRACT WITH ANOTHER ENTITY OR INDIVIDUAL,
22 EITHER DIRECTLY OR AS A SUBCONTRACT, FOR THE USE OF FACE SURVEILLANCE IN THE
23 CITY.

24 **Article 19. Police Ordinances**

25 **SUBTITLE 18. FACE SURVEILLANCE**

26 **§ 18-1. DEFINITIONS.**

27 (A) *IN GENERAL.*

28 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS SPECIFIED.

Council Bill 20-0606

1 (B) *FACE SURVEILLANCE.*

2 “FACE SURVEILLANCE” MEANS AN AUTOMATED OR SEMI-AUTOMATED PROCESS THAT
3 ASSISTS IN IDENTIFYING OR VERIFYING AN INDIVIDUAL BASED ON THE PHYSICAL
4 CHARACTERISTICS OF AN INDIVIDUAL’S FACE.

5 (C) *FACE SURVEILLANCE SYSTEM.*

6 (1) *IN GENERAL.*

7 “FACE SURVEILLANCE SYSTEM” MEANS ANY COMPUTER SOFTWARE OR APPLICATION
8 THAT PERFORMS FACE SURVEILLANCE.

9 (2) *EXCLUSION.*

10 “FACE SURVEILLANCE SYSTEM” DOES NOT INCLUDE A BIOMETRIC SECURITY SYSTEM
11 DESIGNED SPECIFICALLY TO PROTECT AGAINST UNAUTHORIZED ACCESS TO A
12 PARTICULAR LOCATION OR AN ELECTRONIC DEVICE.

13 (D) *PERSON.*

14 “PERSON” MEANS:

15 (1) AN INDIVIDUAL;

16 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
17 KIND;

18 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
19 REPRESENTATIVE OF ANY KIND; OR

20 (4) EXCEPT AS USED IN § 18-3 {“PENALTIES”} OF THIS SUBTITLE FOR THE IMPOSITION
21 OF CRIMINAL PENALTIES, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR
22 UNIT OF A GOVERNMENTAL ENTITY.

23 **§ 18-2. USE OF FACE SURVEILLANCE TECHNOLOGY PROHIBITED.**

24 A PERSON MAY NOT OBTAIN, RETAIN, ACCESS, OR USE IN BALTIMORE CITY:

25 (1) ANY FACE SURVEILLANCE SYSTEM; OR

26 (2) ANY INFORMATION OBTAINED FROM A FACE SURVEILLANCE SYSTEM.

27 **§ 18-3. PENALTIES.**

28 (A) *IN GENERAL.*

29 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A
30 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
31 IMPRISONMENT FOR NOT MORE THAN 12 MONTHS OR BOTH FINE AND IMPRISONMENT.

Council Bill 20-0606

1 (B) *EACH DAY A SEPARATE OFFENSE.*

2 EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
4 are not law and may not be considered to have been enacted as a part of this or any prior
5 Ordinance.

6 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
7 after the date it is enacted.