



Legislation Details (With Text)

File #: 20-0606 **Version:** 0 **Name:** Banning Face Surveillance Technology in Baltimore
Type: Ordinance **Status:** Failed - End of Term
File created: 9/21/2020 **In control:** Public Safety Committee
On agenda: **Final action:** 12/7/2020
Enactment date: **Enactment #:**

Title: Banning Face Surveillance Technology in Baltimore
For the purpose of prohibiting Baltimore City government from purchasing or obtaining certain face surveillance technology; prohibiting Baltimore City government from contracting or subcontracting with another for the purpose of face surveillance technology; prohibiting any person in Baltimore City from obtaining, retaining, accessing, or using certain face surveillance technology or any information obtained from certain face surveillance technology; providing for certain penalties; and defining certain terms.

Sponsors: Kristerfer Burnett, Zeke Cohen, Mary Pat Clarke, Shannon Sneed, Ryan Dorsey, Mayor Brandon M. Scott, Sharon Green Middleton

Indexes: Banning, Face Surveillance Technology

Code sections:

Attachments: 1. 20-0606~1st Reader, 2. Law 20-0606, 3. Police 20-0606, 4. DOT 20-0606, 5. BCIT 20-0606

Date	Ver.	Action By	Action	Result
12/7/2020	0	City Council	Failed - End of Term	
9/24/2020	0	The City Council	Refer to Police Department	
9/24/2020	0	The City Council	Refer to Dept. of Transportation	
9/24/2020	0	The City Council	Refer to Mayor's Office of Criminal Justice	
9/24/2020	0	The City Council	Refer to Mayor's Office of Information Technology	
9/24/2020	0	The City Council	Refer to City Solicitor	
9/21/2020	0	City Council	Introduced	
9/21/2020	0	City Council	Assigned	
9/21/2020	0	Public Safety Committee	Scheduled for a Public Hearing	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: Councilmember Burnett

A Bill Entitled

An Ordinance concerning

Banning Face Surveillance Technology in Baltimore

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

By adding

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

By adding

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

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 5. Finance, Property, and Procurement

Subtitle 41. Prohibited Contracts

§ 41-4. Face surveillance technology.

(a) *Definitions.*

(1) *In general.*

In this section, the following terms have the meanings specified.

(2) *Face surveillance.*

“Face surveillance” means an automated or semi-automated process that assists in identifying or verifying an individual based on the physical characteristics of the individual’s face.

(3) *Face surveillance system.*

(i) *In general.*

“Face surveillance system” means any computer software or application that performs face surveillance.

(ii) *Exclusion.*

“Face surveillance system” does not include a biometric security system designed specifically to protect against unauthorized access to a particular location or an electronic device.

(b) *Purchase prohibited.*

The City of Baltimore may not purchase or otherwise obtain a face surveillance system or face surveillance systems.

(c) *Contractor use prohibited.*

The City of Baltimore may not contract with another entity or individual, either directly or as a subcontract, for the use of face surveillance in the City.

Article 19. Police Ordinances

Subtitle 18. Face Surveillance

§ 18-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings specified.

(b) *Face surveillance.*

“Face surveillance” means an automated or semi-automated process that assists in identifying or verifying an individual based on the physical characteristics of an individual’s face.

(c) *Face surveillance system.*

(1) *In general.*

“Face surveillance system” means any computer software or application that performs face surveillance.

(2) *Exclusion.*

“Face surveillance system” does not include a biometric security system designed specifically to protect against unauthorized access to a particular location or an electronic device.

(d) *Person.*

“Person” means:

- (1) an individual;
- (2) a partnership, firm, association, corporation, or other entity of any kind;
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind; or
- (4) except as used in _ 18-3 {“Penalties”} of this subtitle for the imposition of criminal penalties, a governmental entity or an instrumentality or unit of a governmental entity.

§ 18-2. Use of face surveillance technology prohibited.

A person may not obtain, retain, access, or use in Baltimore City:

- (1) any face surveillance system; or

(2) any information obtained from a face surveillance system.

§ 18-3. Penalties.

(a) *In general.*

Any person who violates any provision of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment.

(b) *Each day a separate offense.*

Each day that a violation continues is a separate offense.

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.