

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1925**  
**97TH GENERAL ASSEMBLY**

6072H.04C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To amend chapter 1, RSMo, by adding thereto one new section relating to biometric analysis of digital images, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be  
2 known as section 1.220, to read as follows:

**1.220. 1. Notwithstanding any other provision of law and except as provided in  
2 subsections 2 to 6 of this section, no state agency or department or any other political  
3 subdivision shall engage in, contract for, or cooperate with any other agency in the  
4 biometric analysis of any photographic or digital data or retain any biometric data of any  
5 individual.**

**6 2. No college or university shall be in violation of the provisions of this section if the  
7 college or university engages in biometric analysis for academic purposes and the subject  
8 of the photograph or digital data has given consent to the analysis.**

**9 3. Any biometric data of an individual that is a subject of an open investigation or  
10 pending criminal court case and that has been collected pursuant to the investigation or  
11 pending case shall be retained by the collecting agency, department, or subdivision. Any  
12 biometric data that has been collected of an individual convicted of a crime may be  
13 retained by the collecting agency, department, or subdivision indefinitely.**

**14 4. Nothing in this section shall prevent any law enforcement agency, the state  
15 highway patrol, or the department of social services from collecting fingerprint samples  
16 and conducting a fingerprint background check.**

**17 5. Nothing in this section shall prevent the collection and use by the state of  
18 biometric data of individuals in the custody, control, or care of the state.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19           **6. Nothing in this section shall prevent biometric data from being collected and**  
20 **used to identify or monitor an individual who is a person of interest in an ongoing law**  
21 **enforcement investigation or for purposes of identification in order to receive public**  
22 **assistance from any state or federal agency. For purposes of this section, a law**  
23 **enforcement investigation shall include both civil and criminal investigations.**

24           **7. Any individual, agency, department, or subdivision that:**

25           **(1) Violates the provisions of subsection 1 of this section shall be guilty of a class**  
26 **A misdemeanor;**

27           **(2) Shares or accesses any biometric data that has been illegally retained shall be**  
28 **guilty of a class D felony; or**

29           **(3) Shares or accesses, through batch processing, multiple individual’s biometric**  
30 **data that has been illegally retained shall be guilty of a class C felony.**

31           **8. For the purposes of this section, “biometric analysis” shall include, but is not**  
32 **limited to, the analysis of biometric data as that term is defined in subsection 2 of section**  
33 **302.189.**

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