

HCS HB 1925 -- BIOMETRIC ANALYSIS

SPONSOR: Ross

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Downsizing State Government by a vote of 10 to 2.

This bill prohibits any state or local agency or department from engaging in, contracting for, or cooperating with any agency in the biometric analysis of photographs and digital data. Biometric analysis includes facial characteristics, voice data comparisons, iris recognition data, retinal scans, fingerprints, palm prints, hand geometry, eye spacing, characteristic gait, DNA, and keystroke dynamics.

The bill exempts colleges and universities from these provisions if they are engaging in biometric analysis for academic purposes and the subject of the photograph or digital data has given consent to the analysis.

The bill specifies that any biometric data of an individual that is a subject of an open investigation or pending criminal court case and that has been collected pursuant to the investigation or pending case must be retained by the collecting agency, department, or subdivision. Any biometric data that has been collected of an individual convicted of a crime may be retained by the collecting agency, department, or subdivision indefinitely.

Any law enforcement agency, the State Highway Patrol, or the Department of Social Services is authorized to collect fingerprint samples and conduct a fingerprint background check. The state may collect and use biometric data of individuals in the custody, control, or care of the state.

The bill permits biometric data to be collected and used to identify or monitor an individual who is a person of interest in an ongoing law enforcement investigation or for purposes of identification in order to receive public assistance from any state or federal agency.

Any individual, agency, department, or political subdivision that:

(1) Engages in, contracts for, or cooperates with any agency in the biometric analysis of any photographic or digital data or retains any biometric data of any individual is guilty of a class A misdemeanor;

(2) Shares or accesses any biometric data that has been illegally retained is guilty of a class D felony; or

(3) Shares or assesses, through batch processing, multiple individual's biometric data that was illegally retained is guilty of a class C felony.

PROPOSERS: Supporters say that the bill intends to prevent unfettered bureaucratic data collection.

Testifying for the bill were Representative Ross and Missouri Family Network.

OPPOSERS: Those who oppose the bill say that law enforcement is not hoarding data, and the information they do collect has been used to exonerate innocent individuals who have spent years in jail. This type of data must be unrestricted for law enforcement purposes, and it must be available to law enforcement as they conduct their fact finding duties in solving crimes.

Testifying against the bill were St. Louis Metropolitan Police Department Forensic Laboratory; St. Louis Metropolitan Police Department; St. Louis Police Officers Association; Kansas City Fraternal Order of Police; Missouri State Fraternal Order of Police; Missouri Police Chief's Association; and Missouri Sheriffs Association.