

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Tipper

1 Amend reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** 2-3-1707 as
4 follows:

5 **2-3-1707. Task force for the consideration of facial recognition**
6 **services - creation - membership - duties - compensation - staff**
7 **support - repeal. (1) Creation - membership. (a) THERE IS CREATED**
8 **A TASK FORCE FOR THE CONSIDERATION OF FACIAL RECOGNITION**
9 **SERVICES. THE TASK FORCE CONSISTS OF THE FOLLOWING FIFTEEN**
10 **MEMBERS:**

11 (I) THE CHIEF INFORMATION OFFICER APPOINTED BY THE
12 GOVERNOR PURSUANT TO SECTION 24-37.5-103 (1) OR THE CHIEF
13 INFORMATION OFFICER'S DESIGNEE;

14 (II) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S
15 DESIGNEE;

16 (III) THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION
17 CREATED IN SECTION 24-33.5-401 OR THE DIRECTOR'S DESIGNEE;

18 (IV) ONE MEMBER WHO REPRESENTS THE COLORADO DISTRICT
19 ATTORNEYS' COUNCIL;

20 (V) ONE MEMBER WHO REPRESENTS EITHER THE COUNTY SHERIFFS
21 OF COLORADO OR THE COLORADO ASSOCIATION OF CHIEFS OF POLICE, TO
22 BE APPOINTED BY THE PRESIDENT OF THE SENATE;

23 (VI) ONE MEMBER WHO IS A STATE REPRESENTATIVE, TO BE
24 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

25 (VII) ONE MEMBER WHO IS A STATE SENATOR, TO BE APPOINTED
26 BY THE PRESIDENT OF THE SENATE;

27 (VIII) ONE MEMBER WHO REPRESENTS LOCAL SCHOOL DISTRICT
28 BOARDS OF EDUCATION, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE
29 OF REPRESENTATIVES;

30 (IX) ONE MEMBER WHO IS AN INSTRUCTOR AT AN INSTITUTION OF
31 HIGHER EDUCATION AND HAS EXPERT KNOWLEDGE OF, AND EXPERIENCE
32 WITH, FACIAL RECOGNITION SERVICES TECHNOLOGY, TO BE APPOINTED BY
33 THE PRESIDENT OF THE SENATE;

34 (X) ONE MEMBER WHO IS A BUSINESS PROFESSIONAL WITH EXPERT
35 KNOWLEDGE OF, AND EXPERIENCE WITH, FACIAL RECOGNITION SERVICES
36 PRODUCTS, TO BE APPOINTED BY THE SPEAKER OF THE HOUSE OF
37 REPRESENTATIVES;

38 (XI) ONE MEMBER WHO IS AN ATTORNEY WITH EXPERT
39 KNOWLEDGE OF, AND EXPERIENCE WITH, FEDERAL AND STATE LAWS
40 CONCERNING FACIAL RECOGNITION SERVICES, TO BE APPOINTED BY THE
41 PRESIDENT OF THE SENATE;

1 (XII) ONE MEMBER WHO REPRESENTS THE COLORADO CRIMINAL
2 DEFENSE BAR;

3 (XIII) ONE MEMBER WHO REPRESENTS A CONSUMER PROTECTION
4 ASSOCIATION, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE;

5 (XIV) ONE MEMBER WHO REPRESENTS A STATEWIDE CIVIL
6 LIBERTIES ORGANIZATION, TO BE APPOINTED BY THE SPEAKER OF THE
7 HOUSE OF REPRESENTATIVES; AND

8 (XV) ONE MEMBER WHO REPRESENTS DISPROPORTIONATELY
9 IMPACTED COMMUNITIES, TO BE APPOINTED BY THE PRESIDENT OF THE
10 SENATE.

11 (b) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
12 PRESIDENT OF THE SENATE SHALL MAKE EACH OF THE INITIAL
13 APPOINTMENTS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION NOT
14 LATER THAN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

15 (c) THE TERMS OF THE APPOINTED MEMBERS OF THE TASK FORCE
16 ARE AS FOLLOWS:

17 (I) THE STATE REPRESENTATIVE APPOINTED PURSUANT TO
18 SUBSECTION (1)(a)(VI) OF THIS SECTION MAY SERVE INDEFINITELY, AT THE
19 DISCRETION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, SO
20 LONG AS THE PERSON REMAINS A STATE REPRESENTATIVE;

21 (II) THE STATE SENATOR APPOINTED PURSUANT TO SUBSECTION
22 (1)(a)(VII) OF THIS SECTION MAY SERVE INDEFINITELY, AT THE
23 DISCRETION OF THE PRESIDENT OF THE SENATE, SO LONG AS THE PERSON
24 REMAINS A STATE SENATOR;

25 (III) OF THE TWO MEMBERS APPOINTED PURSUANT TO
26 SUBSECTIONS (1)(a)(VIII) AND (1)(a)(IX) OF THIS SECTION, THE INITIAL
27 TERM OF THE MEMBER APPOINTED PURSUANT TO SUBSECTION (1)(a)(VIII)
28 OF THIS SECTION IS TWO YEARS AND THE INITIAL TERM OF THE MEMBER
29 APPOINTED PURSUANT TO SUBSECTION (1)(a)(IX) OF THIS SECTION IS FOUR
30 YEARS, AND THEREAFTER THE TERMS OF EACH SUCH MEMBER IS FOUR
31 YEARS;

32 (IV) OF THE TWO MEMBERS APPOINTED PURSUANT TO
33 SUBSECTIONS (1)(a)(X) AND (1)(a)(XI) OF THIS SECTION, THE INITIAL
34 TERM OF THE MEMBER APPOINTED PURSUANT TO SUBSECTION (1)(a)(X) OF
35 THIS SECTION IS TWO YEARS AND THE INITIAL TERM OF THE MEMBER
36 APPOINTED PURSUANT TO SUBSECTION (1)(a)(XI) OF THIS SECTION IS FOUR
37 YEARS, AND THEREAFTER THE TERMS OF EACH SUCH MEMBER IS FOUR
38 YEARS; AND

39 (V) THE MEMBERS APPOINTED PURSUANT TO SUBSECTIONS
40 (1)(a)(XII) TO (1)(a)(XV) OF THIS SECTION SHALL SERVE TERMS OF FOUR
41 YEARS.

42 (d) ANY VACANCY THAT OCCURS AMONG THE APPOINTED
43 MEMBERS OF THE TASK FORCE SHALL BE FILLED BY THE APPROPRIATE

1 APPOINTING AUTHORITY AS SOON AS PRACTICABLE IN ACCORDANCE WITH
2 THE LIMITATIONS SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION.

3 (e) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE SPEAKER
4 OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE
5 SHALL ENSURE THAT THE MEMBERSHIP OF THE TASK FORCE:

6 (I) REFLECTS THE ETHNIC, CULTURAL, AND GENDER DIVERSITY OF
7 THE STATE;

8 (II) INCLUDES REPRESENTATION OF ALL AREAS OF THE STATE; AND
9 (III) TO THE EXTENT PRACTICABLE, INCLUDES PERSONS WITH
10 DISABILITIES.

11 (f) NOT LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE OF
12 THIS SECTION, THE PRESIDENT OF THE SENATE SHALL APPOINT A MEMBER
13 OF THE TASK FORCE TO SERVE AS THE INITIAL CHAIR OF THE TASK FORCE.
14 THEREAFTER, THE CHAIR OF THE TASK FORCE SHALL BE APPOINTED
15 ANNUALLY ON OR BEFORE JULY 1, WITH THE SPEAKER OF THE HOUSE OF
16 REPRESENTATIVES APPOINTING THE CHAIR IN ODD YEARS AND THE
17 PRESIDENT OF THE SENATE APPOINTING THE CHAIR IN EVEN YEARS.

18 (2) **Issues for study.** THE TASK FORCE SHALL EXAMINE AND,
19 PURSUANT TO SUBSECTION (3)(e) OF THIS SECTION, REPORT TO THE
20 COMMITTEE CONCERNING THE EXTENT TO WHICH STATE AND LOCAL
21 GOVERNMENT AGENCIES ARE CURRENTLY USING FACIAL RECOGNITION
22 SERVICES AND PROVIDE RECOMMENDATIONS CONCERNING THE EXTENT TO
23 WHICH STATE AND LOCAL GOVERNMENT AGENCIES SHOULD BE PERMITTED
24 TO USE FACIAL RECOGNITION SERVICES, INCLUDING CONSIDERATION OF:

25 (a) REGULATION, APPROVAL, AND PROCUREMENT OF FACIAL
26 RECOGNITION SERVICES;

27 (b) ACCESS TO DATA COLLECTED BY FACIAL RECOGNITION
28 SERVICES;

29 (c) EDUCATION OF THE PUBLIC CONCERNING FACIAL RECOGNITION
30 SERVICES, INCLUDING IN PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER
31 EDUCATION;

32 (d) ETHICAL CONSIDERATIONS RELATING TO THE USE OF FACIAL
33 RECOGNITION SERVICES;

34 (e) TRANSPARENCY AND DISCLOSURE REQUIREMENTS CONCERNING
35 HOW STATE AND LOCAL GOVERNMENT AGENCIES USE FACIAL RECOGNITION
36 SERVICES;

37 (f) THE POTENTIAL ABUSES AND THREATS POSED TO CIVIL
38 LIBERTIES, FREEDOMS, PRIVACY, AND SECURITY BY THE USE OF FACIAL
39 RECOGNITION SERVICES;

40 (g) THE POTENTIAL IMPACT OF THE USE OF FACIAL RECOGNITION
41 SERVICES ON VULNERABLE COMMUNITIES; AND

42 (h) HOW TO FACILITATE AND ENCOURAGE THE CONTINUED
43 DEVELOPMENT OF FACIAL RECOGNITION SERVICES SO THAT INDIVIDUALS,

1 BUSINESSES, GOVERNMENTS, AND OTHER INSTITUTIONS CAN BENEFIT FROM
2 THEIR USE WHILE SAFEGUARDING AGAINST POTENTIAL ABUSES AND
3 THREATS.

4 (3) **Additional duties of the task force.** THE TASK FORCE SHALL:

5 (a) MEET ON OR BEFORE DECEMBER 1, 2022, AT A TIME AND PLACE
6 TO BE DETERMINED BY THE CHAIR OF THE TASK FORCE;

7 (b) MEET AT LEAST ONCE EVERY FOUR MONTHS, OR MORE OFTEN
8 AS DIRECTED BY THE CHAIR OF THE COMMITTEE;

9 (c) COMMUNICATE WITH AND OBTAIN INPUT FROM GROUPS
10 THROUGHOUT THE STATE AFFECTED BY THE ISSUES IDENTIFIED IN
11 SUBSECTION (2) OF THIS SECTION;

12 (d) CREATE SUBCOMMITTEES AS NEEDED TO CARRY OUT THE
13 DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY CONSIST, IN PART,
14 OF PERSONS WHO ARE NOT MEMBERS OF THE TASK FORCE. SUCH PERSONS
15 MAY VOTE ON ISSUES BEFORE THE SUBCOMMITTEE BUT ARE NOT ENTITLED
16 TO VOTE AT MEETINGS OF THE TASK FORCE.

17 (e) SUBMIT A REPORT TO THE COMMITTEE ON OR BEFORE OCTOBER
18 1, 2023, AND ON OR BEFORE EACH OCTOBER 1 THEREAFTER, THAT, AT A
19 MINIMUM:

20 (I) DESCRIBES ISSUES TO BE STUDIED IN UPCOMING TASK FORCE
21 MEETINGS AND A PRIORITIZATION OF THOSE ISSUES;

22 (II) DESCRIBES FINDINGS AND RECOMMENDATIONS REGARDING
23 ISSUES CONSIDERED BY THE TASK FORCE;

24 (III) DESCRIBES LEGISLATIVE PROPOSALS THAT IDENTIFY THE
25 POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR THE
26 IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES
27 REQUIRED FOR IMPLEMENTATION;

28 (IV) INCLUDES RECOMMENDATIONS CONCERNING:

29 (A) THE PROHIBITIONS AND RESTRICTIONS DESCRIBED IN SECTION
30 24-33.5-117; AND

31 (B) THE PROHIBITIONS AND EXCEPTIONS DESCRIBED IN SECTIONS
32 22-30.5-529, 22-32-150, AND 24-33.5-119; AND

33 (V) INCLUDES A RECOMMENDATION AS TO WHETHER THE SCOPE OF
34 THE ISSUES FOR STUDY BY THE TASK FORCE, AS DESCRIBED IN SUBSECTION
35 (2) OF THIS SECTION, SHOULD BE EXPANDED TO INCLUDE CONSIDERATION
36 OF ARTIFICIAL INTELLIGENCE OTHER THAN FACIAL RECOGNITION SERVICES,
37 OR EVEN ARTIFICIAL INTELLIGENCE ITSELF, AND, IF SO, WHETHER THE
38 MEMBERSHIP OF THE TASK FORCE SHOULD BE ADJUSTED ACCORDINGLY.

39 (4) **Compensation.** NONLEGISLATIVE MEMBERS OF THE TASK
40 FORCE AND NONLEGISLATIVE MEMBERS OF ANY SUBCOMMITTEES OF THE
41 TASK FORCE SERVE WITHOUT COMPENSATION. COMPENSATION OF
42 LEGISLATIVE MEMBERS IS PAID FROM APPROPRIATIONS TO THE GENERAL
43 ASSEMBLY.

1 (5) **Staff support.** THE DIRECTOR OF RESEARCH OF THE
2 LEGISLATIVE COUNCIL MAY SUPPLY STAFF ASSISTANCE TO THE TASK FORCE
3 AS THE DIRECTOR OF RESEARCH DEEMS APPROPRIATE, SUBJECT TO
4 AVAILABLE APPROPRIATIONS. THE TASK FORCE MAY ALSO ACCEPT
5 DONATIONS OF IN-KIND SERVICES FOR STAFF SUPPORT FROM THE PRIVATE
6 SECTOR.

7 (6) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,
8 2027. PRIOR TO THE REPEAL, THE TASK FORCE IS SCHEDULED FOR REVIEW
9 IN ACCORDANCE WITH SECTION 2-3-1203.

10 **SECTION 2.** In Colorado Revised Statutes, 2-3-1203, **add**
11 (18.5)(a)(III) as follows:

12 **2-3-1203. Sunset review of advisory committees - legislative**
13 **declaration - definition - repeal.** (18.5) (a) The following statutory
14 authorizations for the designated advisory committees will repeal on
15 September 1, 2027:

16 (III) THE TASK FORCE FOR THE CONSIDERATION OF FACIAL
17 RECOGNITION SERVICES CREATED IN SECTION 2-3-1707.

18 **SECTION 3.** In Colorado Revised Statutes, **amend** 2-3-1701 as
19 follows:

20 **2-3-1701. Definitions.** As used in this part 17, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "ARTIFICIAL INTELLIGENCE" MEANS SYSTEMS THAT CAN:

23 (a) PERCEIVE AN ENVIRONMENT THROUGH DATA ACQUISITION,
24 PROCESS AND INTERPRET THE DERIVED INFORMATION, AND TAKE ACTIONS
25 OR IMITATE INTELLIGENT BEHAVIOR TO ACHIEVE A SPECIFIED GOAL; AND

26 (b) LEARN FROM PAST BEHAVIOR AND RESULTS AND ADAPT THEIR
27 BEHAVIOR ACCORDINGLY.

28 ~~(1)~~(2) "Committee" means the joint technology committee created
29 in section 2-3-1702.

30 ~~(1.3)~~(3) "Cybersecurity" means a broad range of technologies,
31 processes, and practices designed to protect networks, computers,
32 programs, and data from attack, damage, or unauthorized access.

33 ~~(1.7)~~(4) "Data privacy" means the collection and dissemination
34 of data AND technology and the public expectation of privacy. "Data
35 privacy" also includes the way personally identifiable information or
36 other sensitive information is collected, stored, used, and finally
37 destroyed or deleted, in digital form or otherwise.

38 (5) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
39 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

40 (6)(a) "FACIAL RECOGNITION SERVICE" MEANS TECHNOLOGY THAT
41 ANALYZES FACIAL FEATURES TO FACILITATE THE IDENTIFICATION,
42 VERIFICATION, OR PERSISTENT TRACKING OF INDIVIDUALS IN STILL OR
43 VIDEO IMAGES.

1 (b) "FACIAL RECOGNITION SERVICE" DOES NOT INCLUDE:
2 (I) THE ANALYSIS OF FACIAL FEATURES TO GRANT OR DENY ACCESS
3 TO AN ELECTRONIC DEVICE;
4 (II) A GENERALLY AVAILABLE CONSUMER PRODUCT, INCLUDING A
5 TABLET OR SMARTPHONE, THAT ALLOWS FOR THE ANALYSIS OF FACIAL
6 FEATURES IN ORDER TO FACILITATE THE USER'S ABILITY TO MANAGE AN
7 ADDRESS BOOK OR STILL OR VIDEO IMAGES FOR PERSONAL OR HOUSEHOLD
8 USE; OR
9 (III) THE USE OF AN AUTOMATED OR SEMI-AUTOMATED PROCESS
10 BY A LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF REDACTING A
11 RECORDING FOR RELEASE OR DISCLOSURE TO PROTECT THE PRIVACY OF A
12 SUBJECT DEPICTED IN THE RECORDING, SO LONG AS THE PROCESS DOES NOT
13 GENERATE OR RESULT IN THE RETENTION OF ANY BIOMETRIC DATA OR
14 SURVEILLANCE INFORMATION.
15 (2) (7) "Information technology" means technology,
16 infrastructure, equipment, systems, OR software ~~controlling, displaying,~~
17 ~~switching, interchanging, transmitting, and receiving~~ THAT CONTROLS,
18 DISPLAYS, SWITCHES, INTERCHANGES, TRANSMITS, AND RECEIVES data or
19 information, including audio, video, graphics, and text. "Information
20 technology" shall be construed broadly to incorporate future technologies
21 that change or supplant those in effect as of September 7, 2021.
22 (2.5) (8) "Information technology budget request" means a budget
23 request from a state agency or state institution of higher education for the
24 installation, development, maintenance, or upgrade of information
25 technology, including the purchase of services from the office, ~~of~~
26 ~~information technology~~ on the condition that the use of such services is
27 the most cost beneficial option or falls within the duties and
28 responsibilities of the office ~~of information technology~~ or the office's
29 chief information officer as described in sections 24-37.5-105 and
30 24-37.5-106. "Information technology budget request" does not include
31 budget requests that are primarily operational in nature or a budget
32 request where the majority of funding will be used to support or modify
33 state staffing levels.
34 (3) (9) "Office of information technology" OR "OFFICE" means the
35 office of information technology created in section 24-37.5-103. ~~C.R.S.~~
36 (4) (10) "Oversee" means reviews of major information
37 technology projects as defined in section 24-37.5-102 (19), reviews of the
38 office's budget requests for information technology projects, and ensuring
39 that information technology projects follow best practice standards as
40 established by the office. ~~of information technology~~. "Oversee" does not
41 include interference with the office's general responsibilities set forth in
42 this article 3.
43 (5) (11) "State agency" means all of the departments, divisions,

1 commissions, boards, bureaus, and institutions in the executive branch of
2 the state government. "State agency" does not include the legislative or
3 judicial department, the department of law, the department of state, the
4 department of the treasury, or state-supported institutions of higher
5 education, including the Auraria higher education center established in
6 article 70 of title 23. ~~C.R.S.~~

7 (12) "TASK FORCE" MEANS THE TASK FORCE FOR THE
8 CONSIDERATION OF FACIAL RECOGNITION SERVICES CREATED IN SECTION
9 2-3-1707.

10 **SECTION 4.** In Colorado Revised Statutes, **add** 24-33.5-117,
11 24-33.5-118, and 24-33.5-119 as follows:

12 **24-33.5-117. Use of facial recognition service by law**
13 **enforcement agencies - surveillance and tracking - prohibited uses -**
14 **warrants - definition.** (1) A LAW ENFORCEMENT AGENCY SHALL NOT USE

15 A FACIAL RECOGNITION SERVICE TO ENGAGE IN ONGOING SURVEILLANCE;
16 CONDUCT REAL-TIME IDENTIFICATION; IDENTIFY PERSONS, INTERESTS, OR
17 SUSPECTS IN A PHOTOGRAPH; OR START PERSISTENT TRACKING UNLESS:

18 (a) THE LAW ENFORCEMENT AGENCY OBTAINS A WARRANT
19 AUTHORIZING SUCH USE; OR

20 (b) THE LAW ENFORCEMENT AGENCY OBTAINS A COURT ORDER
21 AUTHORIZING THE USE OF THE FACIAL RECOGNITION SERVICE FOR THE
22 SOLE PURPOSE OF LOCATING OR IDENTIFYING A MISSING PERSON OR
23 IDENTIFYING A DECEASED PERSON. A COURT MAY ISSUE AN EX PARTE
24 ORDER UNDER THIS SUBSECTION (1)(b) IF A LAW ENFORCEMENT OFFICER
25 CERTIFIES AND THE COURT FINDS THAT THE INFORMATION LIKELY TO BE
26 OBTAINED IS RELEVANT TO LOCATING OR IDENTIFYING A MISSING PERSON
27 OR IDENTIFYING A DECEASED PERSON.

28 (2) A LAW ENFORCEMENT AGENCY SHALL NOT APPLY A FACIAL
29 RECOGNITION SERVICE TO ANY INDIVIDUAL BASED ON THE INDIVIDUAL'S
30 RELIGIOUS, POLITICAL, OR SOCIAL VIEWS OR ACTIVITIES; PARTICIPATION IN
31 A PARTICULAR NONCRIMINAL ORGANIZATION OR LAWFUL EVENT; OR
32 ACTUAL OR PERCEIVED RACE, ETHNICITY, CITIZENSHIP, PLACE OF ORIGIN,
33 IMMIGRATION STATUS, AGE, DISABILITY, GENDER, GENDER EXPRESSION,
34 GENDER IDENTITY, SEXUAL ORIENTATION, OR OTHER CHARACTERISTIC
35 PROTECTED BY LAW.

36 (3) A LAW ENFORCEMENT AGENCY SHALL NOT USE A FACIAL
37 RECOGNITION SERVICE TO CREATE A RECORD DEPICTING ANY INDIVIDUAL'S
38 EXERCISE OF RIGHTS GUARANTEED BY THE FIRST AMENDMENT OF THE
39 UNITED STATES CONSTITUTION AND BY SECTION 10 OF ARTICLE II OF THE
40 STATE CONSTITUTION.

41 (4) A LAW ENFORCEMENT AGENCY SHALL NOT USE THE RESULTS
42 OF A FACIAL RECOGNITION SERVICE AS THE SOLE BASIS TO ESTABLISH
43 PROBABLE CAUSE IN A CRIMINAL INVESTIGATION. THE RESULTS OF A

1 FACIAL RECOGNITION SERVICE MAY BE USED IN CONJUNCTION WITH OTHER
2 INFORMATION AND EVIDENCE LAWFULLY OBTAINED BY A LAW
3 ENFORCEMENT OFFICER TO ESTABLISH PROBABLE CAUSE IN A CRIMINAL
4 INVESTIGATION.

5 (5) A LAW ENFORCEMENT AGENCY SHALL NOT SUBSTANTIVELY
6 MANIPULATE AN IMAGE FOR USE IN A FACIAL RECOGNITION SERVICE IN A
7 MANNER NOT CONSISTENT WITH THE FACIAL RECOGNITION SERVICE
8 PROVIDER'S INTENDED USE AND TRAINING.

9 (6) AS USED IN THIS SECTION, "FACIAL RECOGNITION SERVICE" HAS
10 THE MEANING SET FORTH IN SECTION 2-3-1701 (6).

11 **24-33.5-118. Use of facial recognition service by law**
12 **enforcement agencies - disclosure to criminal defendant required -**
13 **warrants - definitions.** (1) A LAW ENFORCEMENT AGENCY SHALL

14 DISCLOSE ITS USE OF A FACIAL RECOGNITION SERVICE ON A CRIMINAL
15 DEFENDANT TO THAT DEFENDANT IN A TIMELY MANNER PRIOR TO TRIAL.

16 (2) IN JANUARY OF EACH YEAR, ANY JUDGE WHO HAS ISSUED OR
17 EXTENDED A WARRANT FOR THE USE OF A FACIAL RECOGNITION SERVICE
18 AS DESCRIBED IN SECTION 24-33.5-117 DURING THE PRECEDING YEAR, OR
19 WHO HAS DENIED APPROVAL OF SUCH A WARRANT DURING THAT YEAR,
20 SHALL REPORT TO THE STATE COURT ADMINISTRATOR AND TO THE TASK
21 FORCE FOR THE CONSIDERATION OF FACIAL RECOGNITION SERVICES:

22 (a) THE FACT THAT A WARRANT OR EXTENSION WAS APPLIED FOR;

23 (b) THE FACT THAT THE WARRANT OR EXTENSION WAS GRANTED
24 AS APPLIED FOR, WAS MODIFIED, OR WAS DENIED;

25 (c) THE PERIOD OF SURVEILLANCE AUTHORIZED BY THE WARRANT
26 AND THE NUMBER AND DURATION OF ANY EXTENSIONS OF THE WARRANT;

27 (d) THE IDENTITY OF THE APPLYING INVESTIGATIVE OR LAW
28 ENFORCEMENT OFFICER AND AGENCY MAKING THE APPLICATION AND THE
29 PERSON AUTHORIZING THE APPLICATION; AND

30 (e) THE NATURE OF THE PUBLIC SPACES WHERE THE SURVEILLANCE
31 WAS CONDUCTED.

32 (3) (a) IN JANUARY OF EACH YEAR, ANY LAW ENFORCEMENT
33 AGENCY THAT HAS APPLIED FOR A WARRANT OR AN EXTENSION OF A
34 WARRANT FOR THE USE OF A FACIAL RECOGNITION SERVICE TO ENGAGE IN
35 ANY SURVEILLANCE SHALL PROVIDE TO THE LAW ENFORCEMENT AGENCY'S
36 REPORTING AUTHORITY A REPORT SUMMARIZING NONIDENTIFYING
37 DEMOGRAPHIC DATA OF INDIVIDUALS NAMED IN WARRANT APPLICATIONS
38 AS SUBJECTS OF SURVEILLANCE WITH THE USE OF A FACIAL RECOGNITION
39 SERVICE.

40 (b) A REPORTING AUTHORITY TO WHICH A LAW ENFORCEMENT
41 AGENCY PROVIDES A REPORT DESCRIBED IN SUBSECTION (3)(a) OF THIS
42 SECTION SHALL PROVIDE A COPY OF THE REPORT TO THE TASK FORCE FOR
43 THE CONSIDERATION OF FACIAL RECOGNITION SERVICES UPON THE TASK

1 FORCE'S REQUEST.

2 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

3 REQUIRES:

4 (a) "FACIAL RECOGNITION SERVICE" HAS THE MEANING SET FORTH

5 IN SECTION 2-3-1701 (6).

6 (b) "REPORTING AUTHORITY" MEANS:

7 (I) FOR A MUNICIPAL POLICE DEPARTMENT, THE CITY COUNCIL OR

8 OTHER CHIEF ADMINISTRATIVE BODY OF THE MUNICIPALITY;

9 (II) FOR A COUNTY SHERIFF'S OFFICE, THE BOARD OF COUNTY

10 COMMISSIONERS OF THE COUNTY; OR

11 (III) FOR A STATE LAW ENFORCEMENT AGENCY, THE EXECUTIVE

12 DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY.

13 (c) "TASK FORCE FOR THE CONSIDERATION OF FACIAL

14 RECOGNITION SERVICES" MEANS THE TASK FORCE CREATED IN SECTION

15 2-3-1707.

16 **24-33.5-119. Contracting for facial recognition service by state**

17 **and local government agencies prohibited - exceptions - definition -**

18 **repeal.** (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AN

19 AGENCY OF THE STATE OR OF ANY LOCAL GOVERNMENT SHALL NOT

20 EXECUTE A CONTRACT WITH ANY VENDOR FOR THE PURCHASE OF, OR

21 SERVICES RELATED TO, ANY FACIAL RECOGNITION SERVICE.

22 (2) THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS

23 SECTION DOES NOT APPLY TO:

24 (a) A CONTRACT THAT WAS EXECUTED BEFORE THE EFFECTIVE

25 DATE OF THIS SECTION, INCLUDING SUCH A CONTRACT THAT IS RENEWED

26 AFTER THE EFFECTIVE DATE OF THIS SECTION;

27 (b) AN AGENCY THAT:

28 (I) IS REQUIRED TO USE A SPECIFIC FACIAL RECOGNITION SERVICE

29 PURSUANT TO A FEDERAL REGULATION OR ORDER OR THAT USES A FACIAL

30 RECOGNITION SERVICE IN PARTNERSHIP WITH A FEDERAL AGENCY TO

31 FULFILL A CONGRESSIONAL MANDATE; OR

32 (II) USES A FACIAL RECOGNITION SERVICE IN ASSOCIATION WITH

33 A FEDERAL AGENCY TO VERIFY THE IDENTITY OF INDIVIDUALS PRESENTING

34 THEMSELVES FOR TRAVEL AT AN AIRPORT;

35 (c) THE USE OF A FACIAL RECOGNITION SERVICE SOLELY FOR

36 RESEARCH PURPOSES BY A STATE AGENCY, SO LONG AS THE USE DOES NOT

37 RESULT IN OR AFFECT ANY DECISIONS THAT PRODUCE LEGAL EFFECTS

38 CONCERNING INDIVIDUALS OR SIMILARLY SIGNIFICANT EFFECTS

39 CONCERNING INDIVIDUALS; OR

40 (d) A CONTRACT FOR THE PURCHASE OF, OR SERVICES RELATED TO,

41 A GENERALLY AVAILABLE CONSUMER PRODUCT, INCLUDING A TABLET OR

42 SMARTPHONE, THAT ALLOWS FOR THE ANALYSIS OF FACIAL FEATURES IN

43 ORDER TO FACILITATE THE USER'S ABILITY TO MANAGE AN ADDRESS BOOK

1 OR STILL OR VIDEO IMAGES FOR PERSONAL OR HOUSEHOLD USE.
2 (3) AS USED IN THIS SECTION, "FACIAL RECOGNITION SERVICE" HAS
3 THE MEANING SET FORTH IN SECTION 2-3-1701 (6).
4 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.
5 **SECTION 5.** In Colorado Revised Statutes, **add** 22-32-150 as
6 follows:
7 **22-32-150. Contracting for facial recognition service by**
8 **schools prohibited - definition - repeal.** (1) EXCEPT AS DESCRIBED IN
9 SUBSECTION (2) OF THIS SECTION, A SCHOOL DISTRICT OR A SCHOOL OR A
10 CHARTER SCHOOL OF A SCHOOL DISTRICT SHALL NOT EXECUTE A
11 CONTRACT WITH ANY VENDOR FOR THE PURCHASE OF, OR SERVICES
12 RELATED TO, ANY FACIAL RECOGNITION SERVICE.
13 (2) THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS
14 SECTION DOES NOT APPLY TO:
15 (a) A CONTRACT THAT WAS EXECUTED BEFORE THE EFFECTIVE
16 DATE OF THIS SECTION, INCLUDING SUCH A CONTRACT THAT IS RENEWED
17 AFTER THE EFFECTIVE DATE OF THIS SECTION; OR
18 (b) A CONTRACT FOR THE PURCHASE OF, OR SERVICES RELATED TO,
19 A GENERALLY AVAILABLE CONSUMER PRODUCT, INCLUDING A TABLET OR
20 SMARTPHONE, THAT ALLOWS FOR THE ANALYSIS OF FACIAL FEATURES IN
21 ORDER TO FACILITATE THE USER'S ABILITY TO MANAGE AN ADDRESS BOOK
22 OR STILL OR VIDEO IMAGES FOR PERSONAL OR HOUSEHOLD USE.
23 (3) AS USED IN THIS SECTION, "FACIAL RECOGNITION SERVICE" HAS
24 THE MEANING SET FORTH IN SECTION 2-3-1701 (6).
25 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.
26 **SECTION 6.** In Colorado Revised Statutes, **add** 22-30.5-529 as
27 follows:
28 **22-30.5-529. Contracting for facial recognition service by**
29 **institute charter schools prohibited - definition - repeal.** (1) EXCEPT
30 AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AN INSTITUTE CHARTER
31 SCHOOL SHALL NOT EXECUTE A CONTRACT WITH ANY VENDOR FOR THE
32 PURCHASE OF, OR SERVICES RELATED TO, ANY FACIAL RECOGNITION
33 SERVICE.
34 (2) THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS
35 SECTION DOES NOT APPLY TO:
36 (a) A CONTRACT THAT WAS EXECUTED BEFORE THE EFFECTIVE
37 DATE OF THIS SECTION, INCLUDING SUCH A CONTRACT THAT IS RENEWED
38 AFTER THE EFFECTIVE DATE OF THIS SECTION; OR
39 (b) A CONTRACT FOR THE PURCHASE OF, OR SERVICES RELATED TO,
40 A GENERALLY AVAILABLE CONSUMER PRODUCT, INCLUDING A TABLET OR
41 SMARTPHONE, THAT ALLOWS FOR THE ANALYSIS OF FACIAL FEATURES IN
42 ORDER TO FACILITATE THE USER'S ABILITY TO MANAGE AN ADDRESS BOOK
43 OR STILL OR VIDEO IMAGES FOR PERSONAL OR HOUSEHOLD USE.

1 (3) AS USED IN THIS SECTION, "FACIAL RECOGNITION SERVICE" HAS
2 THE MEANING SET FORTH IN SECTION 2-3-1701 (6).

3 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

4 **SECTION 7.** In Colorado Revised Statutes, 18-5.5-102, **add** (5)
5 as follows:

6 **18-5.5-102. Cybercrime.** (5) NOTWITHSTANDING ANY OTHER
7 PROVISION OF THIS SECTION, AN INDIVIDUAL MAY AUTHORIZE AN AGENT
8 TO ACCESS AND PROCESS, ON THAT INDIVIDUAL'S BEHALF, THAT
9 INDIVIDUAL'S PERSONAL DATA OR OTHER INFORMATION HELD ON A
10 COMPUTER, COMPUTER NETWORK, OR COMPUTER SYSTEM AND THAT IS
11 OTHERWISE ACCESSIBLE TO THE INDIVIDUAL. AN AUTHORIZED AGENT
12 REMAINS LIABLE FOR ANY UNAUTHORIZED ACTIVITY ON A SYSTEM UNDER
13 APPLICABLE UNFAIR COMPETITION LAWS; THE FEDERAL "COMPUTER
14 FRAUD AND ABUSE ACT", 18 U.S.C. SEC. 1030 ET SEQ., AS AMENDED; AND
15 OTHER PROVISIONS OF THIS SECTION.

16 **SECTION 8.** In Colorado Revised Statutes, 24-30-1404, **amend**
17 (7)(h) as follows:

18 **24-30-1404. Contracts - definition.** (7) (h) The six-month
19 deadline imposed by ~~paragraph (a) of this subsection (7)~~ SUBSECTION
20 (7)(a) OF THIS SECTION does not apply to information technology projects
21 that are overseen by the joint technology committee pursuant to part 17
22 of article 3 of title 2. ~~C.R.S. For the purposes of this paragraph (h)~~ AS
23 USED IN THIS SUBSECTION (7)(h), "information technology" has the **same**
24 meaning as provided in ~~section 2-3-1701 (2), C.R.S. SECTION 2-3-1701~~
25 (7).

26 **SECTION 9.** In Colorado Revised Statutes, 24-37-101, **amend**
27 the introductory portion and (5) as follows:

28 **24-37-101. Definitions.** As used in this ~~article~~ ARTICLE 37, unless
29 the context otherwise requires:

30 (5) "Information technology budget request" has the **same**
31 meaning as set forth in ~~section 2-3-1701 (2.5), C.R.S. SECTION 2-3-1701~~
32 (8).

33 **SECTION 10. Appropriation.** (1) For the 2021-22 state fiscal
34 year, \$12,053 is appropriated to the legislative department. This
35 appropriation is from the general fund. To implement this act, the
36 department may use this appropriation as follows:

37 (a) \$1,887 for use by the general assembly; and

38 (b) \$10,166 for use by the legislative council, which amount is
39 based on an assumption that the legislative council will require an
40 additional 0.2 FTE.

41 **SECTION 11. Act subject to petition - effective date.** This act
42 takes effect at 12:01 a.m. on the day following the expiration of the
43 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor."

7 Page 1, strike lines 103 through 107 and substitute "**CONSIDERATION OF**
8 **FACIAL RECOGNITION SERVICES, RESTRICTING THE USE OF FACIAL**
9 **RECOGNITION SERVICES BY LAW ENFORCEMENT AGENCIES,**
10 **TEMPORARILY PROHIBITING STATE AND LOCAL GOVERNMENT**
11 **AGENCIES AND SCHOOLS FROM EXECUTING NEW CONTRACTS FOR**
12 **FACIAL RECOGNITION SERVICES, AND MAKING AN APPROPRIATION.**".
13

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