



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

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STAFF SUMMARY OF MEETING

TASK FORCE FOR THE CONSIDERATION OF FACIAL RECOGNITION SERVICES

DATE: December 13, 2023

TIME: 2:00 p.m.

ROOM: LSB-B, Legislative Services Building

Meeting Attendance

Name	Present	Excused
Chris Andrist	X	
Steve Beaty	X	
Matt Cook	X	
Christopher Johnson	X	
Margot Kaminski	X	
Edward Nelson	X	
Jake Parker		E
Michael Phibbs	X	
Dalia Ritvo		E
Anaya Robinson	X	
Morgan Klaus Scheuerman	X	
Rep. Brianna Titone	X	
<i>Vacant</i>		E
<i>Vacant</i>		E
Sen. Chris Hansen, Chair	X	

The chair called the meeting to order and welcomed fellow members of the task force.

2:00 P.M. – Facial Recognition in Colorado Schools

Former Senator Brandon Shaffer, Richard Peebles, and Mai Vu, representing St. Vrain Valley Schools, presented to the task force on facial recognition and its use in Colorado schools.

Senator Shaffer began by discussing current laws in Colorado related to the use of facial recognition schools. He continued by highlighting specific educational privacy laws and Colorado Schools Public Contract Acts. He noted that there are several exemptions to the current ban on the use of facial recognition in schools, but that those exemptions may need to be expanded. Senator Shaffer discussed the possible need for additional exemptions such as exigent emergency circumstances and classroom curriculum use.

Ms. Vu continued by highlighting artificial intelligence (AI) and machine learning in public schools. The task force watched a video presentation. She also discussed the use of technology for social and emotional learning as well as facial sensing, detection, and recognition. Mr. Peebles continued by discussing the use of facial recognition for school safety. Task Force Member Matt Cook noted that, as there are 178 school districts in Colorado, the use of facial recognition varies widely.

Task force discussion ensued on ChatGPT, parental permission, data retention, and misidentification.

The representatives distributed a handout to the task force:

<https://leg.colorado.gov/content/ifacialrecognition2023ascheduleandmeetingmaterials>

2:55 P.M. – Artificial Intelligence Deepfake Issues

Ms. Heather Morton, representing the National Conference of State Legislatures (NCSL), presented to the artificial intelligence and deepfake issues. She began by discussing deepfakes and how they are created. She continued by discussing online impersonation state statutes. She noted that few states have specific online impersonation laws. A handful of states have specific deepfake laws with civil or criminal penalties. She noted that there are five bills pending in state legislatures related to watermarking and disclosure requirements (separate from election-related bills).

She continued by discussing the use of deepfake in campaigns and elections. She noted that some states have laws related to misrepresentation related to candidates or referendums, but the majority of states do not have specific laws related to the use of deepfake in elections.

Committee discussion ensued on the effectiveness of the state laws, enforcement provisions, first amendment considerations, and watermarking and disclosure.

Her presentation may be found here:

<https://leg.colorado.gov/content/ifacialrecognition2023ascheduleandmeetingmaterials>

3:35 P.M. – Other Business

Sen. Hansen began a discussion of possible adjustments to current law and the task force's availability to discuss upcoming legislation. The task force discussed the application of current laws

to K-12 education, and the separation of law enforcement and educational settings and their use of the technology. Other topics included, but were not limited to, concerns related the use of surveillance in schools, tracking of students, and database information retention.

3:49 P.M. Adjourn