

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
4/8/24

DRAFT

LLS NO. 24-1149.01 Christopher McMichael x4775

COMMITTEE BILL

Joint Technology Committee

BILL TOPIC: Artificial Intelligence & Biometric Technologies

A BILL FOR AN ACT

101 **CONCERNING THE USE OF TECHNOLOGY, AND, IN CONNECTION**
102 **THEREWITH, EXPANDING THE SCOPE OF THE TASK FORCE FOR**
103 **CONSIDERATION OF FACIAL RECOGNITION SERVICES TO INCLUDE**
104 **ARTIFICIAL INTELLIGENCE AND BIOMETRIC TECHNOLOGY,**
105 **ADDING MEMBERS TO THE TASK FORCE WHO ARE EXPERTS IN**
106 **ARTIFICIAL INTELLIGENCE AND BIOMETRIC TECHNOLOGY, AND**
107 **AMENDING THE DEFINITION OF FACIAL RECOGNITION SERVICE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

Joint Technology Committee. The bill updates the membership and issues of study for the task force for the consideration of facial recognition services. The bill updates the issues of study to include artificial intelligence technology and biometric technology in addition to facial recognition technology. The task force will replace 2 members currently serving on the task force with experts in artificial intelligence technology and biometric technology.

The bill also updates the definition of "facial recognition service" to exempt certain applications of facial recognition technology by public schools and state institutions of higher education.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1701, **amend**
3 (12) as follows:

4 **2-3-1701. Definitions.** As used in this part 17, unless the context
5 otherwise requires:

6 (12) "Task force" means the ~~task force for the consideration of~~
7 ~~facial recognition services~~ BIOMETRIC TECHNOLOGY AND ARTIFICIAL
8 INTELLIGENCE POLICY TASK FORCE created in section 2-3-1707.

9 **SECTION 2.** In Colorado Revised Statutes, 2-3-1707, **amend**
10 (1)(a) introductory portion, (1)(a)(IX), (1)(a)(X), (1)(a)(XI), (1)(a)(XII),
11 (1)(b), and (2) as follows:

12 **2-3-1707. Biometric technology and artificial intelligence**
13 **policy task force - creation - membership - duties - compensation -**
14 **staff support - repeal. (1) Creation - membership.** (a) There is created
15 a ~~task force for the consideration of facial recognition services~~ BIOMETRIC
16 TECHNOLOGY AND ARTIFICIAL INTELLIGENCE POLICY TASK FORCE. The
17 task force consists of the following fifteen members:

18 (IX) One member who is an instructor at an institution of higher
19 education and has expert knowledge of, and experience with, facial

1 recognition services technology, BIOMETRIC TECHNOLOGY, OR ARTIFICIAL
2 INTELLIGENCE TECHNOLOGY, to be appointed by the president of the
3 senate;

4 (X) One member who is a business professional ~~with~~ AND HAS
5 expert knowledge of, and experience with, facial recognition services
6 products, BIOMETRIC TECHNOLOGY PRODUCTS, OR ARTIFICIAL
7 INTELLIGENCE TECHNOLOGY PRODUCTS, to be appointed by the speaker of
8 the house of representatives;

9 (XI) One member who ~~is an attorney with~~ HAS expert knowledge
10 of, and experience with, ~~federal and state laws concerning facial~~
11 ~~recognition services~~ ARTIFICIAL INTELLIGENCE TECHNOLOGY, to be
12 appointed by the president of the senate;

13 (XII) One member who ~~represents the Colorado criminal defense~~
14 ~~bar~~ HAS EXPERT KNOWLEDGE OF, AND EXPERIENCE WITH, BIOMETRIC
15 TECHNOLOGY, to be appointed by the ~~president of the senate~~ SPEAKER OF
16 THE HOUSE OF REPRESENTATIVES;

17 (b) (I) The speaker of the house of representatives and the
18 president of the senate shall make each of the initial appointments
19 described in subsection (1)(a) of this section not later than sixty days after
20 August 10, 2022.

21 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
22 PRESIDENT OF THE SENATE SHALL MAKE THE APPOINTMENTS DESCRIBED
23 IN SUBSECTIONS (1)(a)(XI) AND (1)(a)(XII) OF THIS SECTION, AS AMENDED
24 BY THIS SENATE BILL 24-____, ENACTED IN 2024, ON OR BEFORE OCTOBER
25 1, 2024.

26 (2) **Issues for study.** The task force shall examine and, pursuant
27 to subsection (3)(e) of this section, report to the committee concerning the

1 extent to which state and local government agencies are currently using
2 facial recognition services, ARTIFICIAL INTELLIGENCE, AND BIOMETRIC
3 TECHNOLOGY and provide recommendations concerning the extent to
4 which state and local government agencies should be permitted to use
5 facial recognition services, ARTIFICIAL INTELLIGENCE, AND BIOMETRIC
6 TECHNOLOGY, including consideration of:

7 (a) Regulation, approval, and procurement of facial recognition
8 services, ARTIFICIAL INTELLIGENCE, AND BIOMETRIC TECHNOLOGY;

9 (b) Access to data collected by facial recognition services,
10 ARTIFICIAL INTELLIGENCE, AND BIOMETRIC TECHNOLOGY;

11 (c) Education of the public concerning facial recognition services,
12 ARTIFICIAL INTELLIGENCE, AND BIOMETRIC TECHNOLOGY, including in
13 public schools and institutions of higher education;

14 (d) Ethical considerations relating to the use of facial recognition
15 services, ARTIFICIAL INTELLIGENCE, AND BIOMETRIC TECHNOLOGY;

16 (e) Transparency and disclosure requirements concerning how
17 state and local government agencies use facial recognition services,
18 ARTIFICIAL INTELLIGENCE, AND BIOMETRIC TECHNOLOGY;

19 (f) The potential abuses and threats posed to civil liberties,
20 freedoms, privacy, and security by the use of facial recognition services,
21 ARTIFICIAL INTELLIGENCE, AND BIOMETRIC TECHNOLOGY;

22 (g) The potential impact of the use of facial recognition services,
23 ARTIFICIAL INTELLIGENCE, AND BIOMETRIC TECHNOLOGY on vulnerable
24 communities; and

25 (h) How to facilitate and encourage the continued development of
26 facial recognition services, ARTIFICIAL INTELLIGENCE, AND BIOMETRIC
27 TECHNOLOGY so that individuals, businesses, governments, and other

1 institutions can benefit from their use while safeguarding against potential
2 abuses and threats.

3 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **amend**
4 (18.5)(a)(III) as follows:

5 **2-3-1203. Sunset review of advisory committees - legislative**
6 **declaration - definition - repeal.** (18.5) (a) The following statutory
7 authorizations for the designated advisory committees will repeal on
8 September 1, 2027:

9 (III) The ~~task force for the consideration of facial recognition~~
10 ~~services~~ BIOMETRIC TECHNOLOGY AND ARTIFICIAL INTELLIGENCE POLICY
11 TASK FORCE created in section 2-3-1707.

12 **SECTION 4.** In Colorado Revised Statutes, 24-18-301, **amend**
13 (5) as follows:

14 **24-18-301. Definitions.** As used in this part 3, unless the context
15 otherwise requires:

16 (5) (a) "Facial recognition service" means technology that
17 analyzes facial features to facilitate the identification, verification, or
18 persistent tracking of individuals in still or video images.

19 (b) "Facial recognition service" does not include:

20 (I) The analysis of facial features to grant or deny access to an
21 electronic device;

22 (II) A generally available consumer product, including a tablet or
23 smartphone, that allows for the analysis of facial features in order to
24 facilitate the user's ability to manage an address book or still or video
25 images for personal or household use; ~~or~~

26 (III) The use of an automated or semiautomated process by a law
27 enforcement agency for the purpose of redacting a recording for release

1 or disclosure to protect the privacy of a subject depicted in the recording,
2 so long as the process does not generate or result in the retention of any
3 biometric data or surveillance information;

4 (IV) A PRODUCT, DEVICE, OR SOFTWARE APPLICATION THAT
5 ALLOWS FOR ANALYSIS OF FACIAL FEATURES FOR EDUCATION PURPOSES IN
6 CONJUNCTION WITH CURRICULUM APPROVED BY THE LOCAL SCHOOL
7 BOARD OF A SCHOOL DISTRICT AS DEFINED IN SECTION 22-5-103 (4) OR BY
8 A STATE INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION
9 23-18-102 (10); OR

10 (V) A PRODUCT, DEVICE, OR SOFTWARE APPLICATION THAT
11 ALLOWS FOR THE ANALYSIS OF FACIAL FEATURES UNDER THE FOLLOWING
12 CIRCUMSTANCES:

13 (A) WHEN AN INDIVIDUAL MAKES AN ARTICULATED AND
14 SIGNIFICANT THREAT AGAINST A SCHOOL OR THE OCCUPANTS OF A SCHOOL
15 AND THE USE OF FACIAL RECOGNITION TECHNOLOGY MAY ASSIST IN
16 KEEPING THE SCHOOL OR OCCUPANTS SAFE;

17 (B) WHEN A STUDENT ABSCONDS FROM A CLASS, FIELD TRIP,
18 EVENT, OR PROGRAM OR IS OTHERWISE REPORTED AS LOST OR MISSING BY
19 THE STUDENT'S PARENTS, TEACHERS, OR SCHOOL OFFICIALS AND THERE IS
20 A REASONABLE BELIEF THAT USING FACIAL RECOGNITION TECHNOLOGY
21 MAY ASSIST IN FINDING THE LOST OR MISSING STUDENT; OR

22 (C) WHEN AN INDIVIDUAL HAS BEEN ORDERED TO STAY OFF
23 SCHOOL DISTRICT PROPERTY OR PROPERTY OF A STATE INSTITUTION OF
24 HIGHER EDUCATION AND, BASED ON THREATENING OR HARASSING
25 BEHAVIOR, THERE IS A REASONABLE BELIEF THAT THE INDIVIDUAL MAY
26 ATTEMPT TO REENTER THE PROPERTY FROM WHICH THE INDIVIDUAL IS
27 BANNED.

1 **SECTION 5. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2024 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.