

1 SB56
2 216323-1
3 By Senators Orr, Singleton, Smitherman, Whatley, Scofield,
4 Stutts, Price and Chesteen
5 RFD: Governmental Affairs
6 First Read: 11-JAN-22

8 SYNOPSIS: This bill would prohibit state or local law
9 enforcement agencies from using artificial
10 intelligence or a facial recognition service to
11 engage in ongoing surveillance except for in
12 certain circumstances.

13 This bill would prohibit the results of
14 artificial intelligence or a facial recognition
15 service from being the sole basis for making an
16 arrest or for establishing probable cause in a
17 criminal investigation.

18 This bill would also prohibit artificial
19 intelligence or a facial recognition service from
20 being used as a way to identify an individual based
21 on other images.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to artificial intelligence; to prohibit
2 state or local law enforcement from using artificial
3 intelligence and facial recognition to engage in surveillance
4 with certain exceptions; to prohibit the use of artificial
5 intelligence or a facial recognition service as the sole basis
6 to establish probable cause or arrest; and to prohibit
7 artificial intelligence from being used to identify someone
8 based on other images.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. For the purposes of this act the
11 following terms shall have the following meanings:

12 (1) ARTIFICIAL INTELLIGENCE. Computer systems or
13 other technology able to perform tasks that normally require
14 human intelligence, such as visual perception and speech
15 recognition.

16 (2) FACIAL RECOGNITION SERVICE. Any computer
17 software, algorithm, product, or application that collects or
18 electronically analyzes information for the purpose of
19 identifying an individual by using technology capable of
20 uniquely identifying or verifying a person by comparing and
21 analyzing patterns based on that individual's facial contours.

22 (3) LAW ENFORCEMENT AGENCY. A state department,
23 county sheriff's department, municipal police department, or
24 any other public agency or entity employing law enforcement
25 officers located within the state.

26 (4) LAW ENFORCEMENT OFFICER. An officer employed by
27 the state, or a county or municipality who is certified by the

1 Alabama Peace Officers' Standards and Training Commission and
2 who has the power of arrest.

3 Section 2. (a) A state or local law enforcement
4 agency may not use artificial intelligence or a facial
5 recognition service to engage in ongoing surveillance, conduct
6 real-time or near real-time identification, or start
7 persistent tracking, except under any of the following
8 circumstances:

9 (1) A warrant is obtained that authorizes the use of
10 the service for those purposes.

11 (2) Exigent circumstances exist.

12 (3) A court order is obtained that authorizes the
13 use of the service for the sole purpose of locating or
14 identifying a missing person or identifying a deceased person.
15 A court may issue an ex parte order under this subdivision.

16 (4) If a law enforcement officer certifies and the
17 court finds that the information likely to be obtained is
18 relevant to locating or identifying a missing person or
19 identifying a deceased person.

20 (b) A state or local law enforcement agency may not
21 use the results of artificial intelligence or a facial
22 recognition service as the sole basis to establish probable
23 cause in a criminal investigation or to make an arrest. The
24 results of a facial recognition service may be used only in
25 conjunction with other information and evidence lawfully
26 obtained by a law enforcement officer to establish probable
27 cause in a criminal investigation or to make an arrest.

1 (c) A state or local law enforcement agency may not
2 use artificial intelligence or a facial recognition service to
3 identify an individual based on a sketch or other manually
4 produced image.

5 Section 3. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.