STAND. COM. REP. NO. 2152

Honolulu, Hawaii

FEB 1 4 2020

RE: S.B. No. 3148 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 3148 entitled:

"A BILL FOR AN ACT RELATING TO FACE SURVEILLANCE,"

begs leave to report as follows:

The purpose and intent of this measure is to limit the use of face surveillance, except under certain circumstances.

Your Committee received testimony in support of this measure from the Department of Transportation and Office of the Public Defender. Your Committee received testimony in opposition to this measure from the Department of Accounting and General Services, Honolulu Police Department, Department of Prosecuting Attorney of the City and County of Honolulu, and one individual. Your Committee received comments on this measure from Microsoft.

Your Committee finds that facial recognition technology has become extremely popular as a deterrent against crime and terroristic threats. However, your Committee further finds that the rapid development and proliferation of facial recognition technology has become a serious public concern. Facial recognition technology is used worldwide in airports, stores, and government agencies. Your Committee also finds that the accuracy of facial recognition technology has yet to be fully vetted and is highly dependent on the accuracy of the data entered into the software or algorithms used by each system. The technology has

not reached the stage of development where it can successfully and accurately distinguish systematic problems with the types of biases against race, gender, and age. This measure will protect the public against unauthorized uses of information obtained through facial recognition technology by prohibiting the use of facial recognition technology, under certain circumstances.

Your Committee has amended this measure by:

- (1) Authorizing information obtained from a face surveillance system to be obtained, retained, or used, in addition to other situations, for other future public safety applications, the protection of public gatherings where mass violent threats exist, and protection of government facilities and employees; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3148, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3148, S.D. 1, and be referred to your Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

Clarence & Jushihar CLARENCE K. NISHIHARA, Chair

## The Senate Thirtieth Legislature State of Hawai'i

## Record of Votes Committee on Public Safety, Intergovernmental, and Military Affairs PSM

Bill / Resolution No.:*		mittee Referral:		Date:	
SB 3148	PSM	JOC		2/11/2020	
The Committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WF	R) Nay	Excused
NISHIHARA, Clarence K. (C)					
WAKAI, Glenn (VC)					
BAKER, Rosalyn H.					
HARIMOTO, Breene					V
FEVELLA, Kurt	<b></b>		<u> </u>	_	
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TOTAL		g)			
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk Office Drafting Agency Committee File Copy					

\*Only one measure per Record of Votes