

2021 Regular Session

HOUSE RESOLUTION NO. 199

BY REPRESENTATIVE JORDAN

A RESOLUTION

To request the House Committee on Administration of Criminal Justice and the House Committee on Judiciary to conduct a joint study of the use of facial recognition data, collection methods, and usage by law enforcement in legal proceedings.

WHEREAS, no safeguards exist in Louisiana with respect to facial recognition technology; and

WHEREAS, multiple cities across the United States, including New Orleans, have banned the use of facial recognition technology; and

WHEREAS, numerous studies and cases have shown the error rate and incorrect application of facial recognition technology; and

WHEREAS, proper safeguards can protect law enforcement from lawsuits and unnecessary use of facial recognition technology as well as protect citizens from mistakes resulting from heavy reliance of facial recognition technology; and

WHEREAS, certain circumstances exist where law enforcement may use or request the use of facial recognition for a legitimate law enforcement purpose; and

WHEREAS, a balance does exist between law enforcement's ability to conduct a thorough criminal investigation and a citizen's constitutional right to privacy and due process.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana requests the House Committee on Administration of Criminal Justice and the House Committee on Judiciary to study law enforcement's use of facial recognition data, the techniques employed in obtaining facial recognition data, the subsequent use of facial recognition data in law enforcement investigations or legal proceedings and to report its findings to the House of Representatives no later than February 1, 2022.

BE IT FURTHER RESOLVED that the House Committee on Administration of Criminal Justice and the House Committee on Judiciary shall receive information from all of the following organizations:

- (1) The Department of Justice.
- (2) The Louisiana Fraternal Order of Police.
- (3) The Louisiana Sheriffs' Association.
- (4) The Louisiana Association of Chiefs of Police.
- (5) The office of state police.
- (6) The Louisiana District Attorneys Association.
- (7) The Louisiana State Troopers Association.
- (8) The National Association for the Advancement of Colored People Louisiana State Conference.
- (9) The Urban League of Louisiana.
- (10) The American Civil Liberties Union of Louisiana.
- (11) Law school professors from the Paul M. Hebert Law Center of Louisiana State University, Southern University Law Center, Tulane University Law School, and the Loyola University New Orleans College of Law.
- (12) A professor of criminal justice from the Southern University system.
- (13) The Louisiana Association of Criminal Defense Lawyers.
- (14) The Pelican Institute.
- (15) The Americans for Prosperity of Louisiana.
- (16) Any other interested stakeholders.

BE IT FURTHER RESOLVED that the House Committee on Administration of Criminal Justice and the House Committee on Judiciary shall submit a written report of their findings and recommendations to the House of Representatives of the Legislature of Louisiana not later than February 1, 2022, and that such recommendations shall include the following:

- (1) Information about how individuals are identified through the means of facial recognition data, including summary statistics on the race, ethnicity, age, and gender of the individuals whose faces were searched using targeted facial recognition in conjunction with an arrest photo database or a state identification photo database.

(2) Statistics on the number of searches run, arrests, and convictions that resulted from the searches, motions to suppress filed with respect to the searches, searches run for targeted or continuous facial recognition, and the offenses that the searches were used to investigate in exigent circumstances.

(3) Information on how facial recognition data and related information has been used, including in the arrest of suspects, for intelligence gathering, or for general surveillance, as well as information regarding the usage of facial recognition data as evidence in a trial, hearing, or any other proceeding in or before a court, grand jury, department, officer, agency, regulatory body, legislative committee, or any other authority of the state.

(4) Information on the current process used by law enforcement and the Louisiana Fusion Center for using facial recognition and processing facial recognition requests including training and the technological requirements of the Louisiana Fusion Center and of local law enforcement agencies.

(5) Information regarding any legislation or actions taken by other government entities relating to facial recognition technology including but not limited to a summary of legislation enacted in other states.

(6) Recommendations on potential legislation regulating the use of facial recognition technology, including provisions to safeguard due process, privacy, and civil liberties.

BE IT FURTHER RESOLVED that one print copy and one electronic copy of any report produced pursuant to this Resolution shall be submitted to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES