



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HOUSE BILL 338 Criminal Procedure - Facial Recognition Technology - Requirements, Procedures, and Prohibitions

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 02/0/24

The Maryland Office of the Public Defender urges a favorable report on HB338.

Since this bill was first introduced two years ago, the need to regulate this technology has become clear and more urgent. We know that faulty facial recognition identifications can, and do, occur. In fact, faulty facial recognition identifications have occurred here in Maryland. We view this bill as an initial step in the correct direction to establish critical guidelines in an area that is currently completely unregulated. We hope that once House Bill 338 is passed, we can focus on broad and comprehensive protections against the invasions of privacy that are inherent with constantly advancing technology.

By limiting the circumstances when this technology can be used, and by requiring independent evidence to corroborate any match, this bill strives to limit the possibility of an individual being wrongly charged based upon the results of facial recognition. A wrongful charge can completely derail an individual's life. Moreover, the discovery and disclosure provisions will help to ensure that this surveillance technology operates in a transparent manner.

It is important to recognize that this technology is new, and the standards for its use are still being developed. Protocols and procedures for using this technology in a reliable and accurate manner have yet to be fully developed. We hope that as these standards are developed, that they are incorporated into the model statewide policy that is part of this bill. This bill is an important first step to regulate this area of technology with a high potential of misuse.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on House Bill 338.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

**Authored by: Andrew Northrup, Forensics Division, (312) 804-9343,
andrew.northrup@maryland.gov.**