

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-1149.01 Christopher McMichael x4775

HOUSE BILL 24-1468

HOUSE SPONSORSHIP

Titone and Weinberg,

SENATE SPONSORSHIP

Hansen,

House Committees
Business Affairs & Labor

Senate Committees

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 THE CONSIDERATION OF FACIAL RECOGNITION SERVICES TO
104 INCLUDE ARTIFICIAL INTELLIGENCE AND BIOMETRIC
105 TECHNOLOGY, ADDING MEMBERS TO THE TASK FORCE WHO ARE
106 EXPERTS IN ARTIFICIAL INTELLIGENCE AND BIOMETRIC
107 TECHNOLOGY, ESTABLISHING EXCEPTIONS FOR THE USE OF
108 FACIAL RECOGNITION TECHNOLOGY IN SCHOOLS IN CERTAIN
109 CIRCUMSTANCES, AND MODIFYING THE REPORTING AUTHORITY
110 FOR STATE AGENCIES THAT USE FACIAL RECOGNITION
111 TECHNOLOGY.

Bill Summary

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

(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/>.)

Joint Technology Committee. The bill updates the membership and issues of study for the task force for the consideration of facial recognition services and changes the name of the task force to the biometric technology and artificial intelligence policy task force (task force). The task force will expand from 15 to 17 members and now includes a member who is an expert in generative artificial intelligence technology; a member who is an expert in social media, biometric technology, or artificial intelligence technology; and a member who is an advocate for youth safety and privacy. The member who represents the Colorado bureau of investigation will be replaced.

The bill updates the issues of study of the task force to include artificial intelligence technology and biometric technology in addition to facial recognition technology. The scope of the task force is expanded to include a focus on the use of these emerging technologies generally rather than their use by only state and local government agencies.

The bill adds exceptions to the moratorium on schools using facial recognition technologies, which would allow a school to use facial recognition technologies in certain circumstances.

The bill modifies the reporting requirements for state agencies that use facial recognition services so that agency records are maintained by the agency and subject to inspection and review by the office of information technology.

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

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1701, **amend** (1)
3 and (12); and **add** (1.5) as follows:

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

6 (1) (a) "Artificial intelligence" means systems that can:

7 (a) (I) Perceive an environment through data acquisition, process
8 and interpret the derived information, and take actions or imitate
9 intelligent behavior to achieve a specified goal; and

1 **(b)** (II) Learn from past behavior and results and adapt their
2 behavior accordingly.

3 (b) "ARTIFICIAL INTELLIGENCE" INCLUDES A GENERATIVE
4 ARTIFICIAL INTELLIGENCE TECHNOLOGY THAT IS ABLE TO PRODUCE
5 SYNTHETIC DIGITAL CONTENT.

6 (1.5) "BIOMETRIC TECHNOLOGY" MEANS A TECHNOLOGY THAT
7 USES, COLLECTS, OR ANALYZES UNIQUE BIOMETRIC DATA GENERATED
8 FROM MEASUREMENTS OR ANALYSIS OF HUMAN BODY CHARACTERISTICS.

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

12 **SECTION 2.** In Colorado Revised Statutes, 2-3-1707, **amend**
13 (1)(a) introductory portion, (1)(a)(IX), (1)(a)(X), (1)(a)(XI), (1)(a)(XIV),
14 (1)(b), (1)(c)(IV), and (2); **repeal** (1)(a)(III); and **add** (1)(a)(XVI),
15 (1)(a)(XVII), and (1)(a)(XVIII) as follows:

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

23 (III) ~~The director of the Colorado bureau of investigation created~~
24 ~~in section 24-33.5-401 or the director's designee;~~

25 (IX) One member who is an instructor at an institution of higher
26 education ~~and has~~ WITH expert knowledge of, and experience with, facial
27 recognition services technology, ARTIFICIAL INTELLIGENCE TECHNOLOGY,

1 OR BIOMETRIC TECHNOLOGY, to be appointed by the president of the
2 senate;

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

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

11 (XIV) One member who represents a statewide civil liberties
12 organization, to be appointed by the speaker of the house of
13 representatives; ~~and~~

14 (XVI) ONE MEMBER WHO IS AN ACADEMIC RESEARCHER AND
15 EXPERT IN GENERATIVE ARTIFICIAL INTELLIGENCE TECHNOLOGIES, TO BE
16 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

17 (XVII) ONE MEMBER WHO IS A BUSINESS PROFESSIONAL WITH
18 EXPERT KNOWLEDGE OF, AND EXPERIENCE WITH, SOCIAL MEDIA,
19 BIOMETRIC TECHNOLOGY, OR ARTIFICIAL INTELLIGENCE TECHNOLOGY, TO
20 BE APPOINTED BY THE PRESIDENT OF THE SENATE; AND

21 (XVIII) ONE MEMBER WHO IS AN ADVOCATE FOR YOUTH SAFETY
22 AND PRIVACY, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE.

23 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS
24 SECTION, the speaker of the house of representatives and the president of
25 the senate shall make each of the initial appointments described in
26 subsection (1)(a) of this section not later than sixty days after August 10,
27 2022.

1 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
2 PRESIDENT OF THE SENATE SHALL MAKE THE APPOINTMENTS DESCRIBED
3 IN SUBSECTIONS (1)(a)(XVI), (1)(a)(XVII), AND (1)(a)(XVIII) OF THIS
4 SECTION, AS AMENDED BY THIS SENATE BILL 24-___, ENACTED IN 2024,
5 ON OR BEFORE OCTOBER 1, 2024.

6 (c) The terms of the appointed members of the task force are as
7 follows:

8 (IV) The members appointed pursuant to subsections (1)(a)(XI)
9 to ~~(1)(a)(XV)~~ (1)(a)(XVIII) of this section shall serve terms of four years.

10 (2) **Issues for study.** The task force shall examine and, pursuant
11 to subsection (3)(e) of this section, report to the committee concerning the
12 ~~extent to which state and local government agencies are currently using~~
13 USE OF facial recognition services, ARTIFICIAL INTELLIGENCE
14 TECHNOLOGY, AND BIOMETRIC TECHNOLOGY and provide
15 recommendations concerning the extent to which state and local
16 government agencies should be permitted to use facial recognition
17 services, ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC
18 TECHNOLOGY, including consideration of:

19 (a) Regulation, approval, and procurement of facial recognition
20 services, ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC
21 TECHNOLOGY;

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

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

27 (d) Ethical considerations relating to the use of facial recognition

1 services, ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC
2 TECHNOLOGY;

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

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

9 (g) The potential impact of the use of facial recognition services,
10 ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC TECHNOLOGY on
11 vulnerable communities; and

12 (h) How to facilitate and encourage the continued development of
13 facial recognition services, ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND
14 BIOMETRIC TECHNOLOGY so that individuals, businesses, governments,
15 and other institutions can benefit from their use while safeguarding
16 against potential abuses and threats.

17 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **amend**
18 (18.5)(a)(III) as follows:

19 **2-3-1203. Sunset review of advisory committees - legislative**
20 **declaration - definition - repeal.** (18.5) (a) The following statutory
21 authorizations for the designated advisory committees will repeal on
22 September 1, 2027:

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

26 **SECTION 4.** In Colorado Revised Statutes, 22-32-150, **amend**
27 (2) as follows:

1 **22-32-150. Contracting for facial recognition service by**
2 **schools prohibited - exceptions for use of facial recognition service -**
3 **definition - repeal.** (2) The prohibition described in subsection (1) of
4 this section does not apply to:

5 (a) A contract that was executed before August 10, 2022,
6 including such a contract that is renewed after August 10, 2022; ~~or~~

7 (b) A contract for the purchase of, or for services related to, a
8 generally available consumer product, including a tablet or smartphone,
9 that allows for the analysis of facial features in order to facilitate the
10 user's ability to manage an address book or still or video images for
11 personal or household use;

12 (c) A PRODUCT, DEVICE, OR SOFTWARE APPLICATION THAT ALLOWS
13 FOR ANALYSIS OF FACIAL FEATURES FOR EDUCATION PURPOSES IN
14 CONJUNCTION WITH CURRICULA APPROVED BY THE LOCAL SCHOOL BOARD
15 OF A SCHOOL DISTRICT AS DEFINED IN SECTION 22-5-103 (4) OR BY A STATE
16 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102
17 (10); OR

18 (d) A PRODUCT, DEVICE, OR SOFTWARE APPLICATION THAT ALLOWS
19 FOR THE ANALYSIS OF FACIAL FEATURES UNDER THE FOLLOWING
20 CIRCUMSTANCES:

21 (I) WHEN AN INDIVIDUAL MAKES AN ARTICULATED AND
22 SIGNIFICANT THREAT AGAINST A SCHOOL OR THE OCCUPANTS OF A SCHOOL
23 AND THE USE OF FACIAL RECOGNITION TECHNOLOGY MAY ASSIST IN
24 KEEPING THE SCHOOL OR OCCUPANTS SAFE;

25 (II) WHEN A STUDENT ABSCONDS FROM A CLASS, FIELD TRIP,
26 EVENT, OR PROGRAM OR IS OTHERWISE REPORTED AS LOST OR MISSING BY
27 THE STUDENT'S PARENTS, TEACHERS, OR SCHOOL OFFICIALS AND THERE IS

1 A REASONABLE BELIEF THAT USING FACIAL RECOGNITION TECHNOLOGY
2 MAY ASSIST IN FINDING THE LOST OR MISSING STUDENT; OR

3 (III) WHEN AN INDIVIDUAL HAS BEEN ORDERED TO STAY OFF
4 SCHOOL DISTRICT PROPERTY OR THE PROPERTY OF A STATE INSTITUTION
5 OF HIGHER EDUCATION AND, BASED ON THREATENING OR HARASSING
6 BEHAVIOR, THERE IS A REASONABLE BELIEF THAT THE INDIVIDUAL MAY
7 ATTEMPT TO REENTER THE PROPERTY FROM WHICH THE INDIVIDUAL IS
8 BANNED.

9 **SECTION 5.** In Colorado Revised Statutes, 24-18-301, **amend**
10 (14) as follows:

11 **24-18-301. Definitions.** As used in this part 3, unless the context
12 otherwise requires:

13 (14) "Reporting authority" means:

14 (a) For a local government agency, the city council, county
15 commission, or other local government agency in which legislative
16 powers are vested; and

17 (b) For a state agency, THE STATE AGENCY SHALL SERVE AS ITS
18 OWN REPORTING AUTHORITY AND MAINTAIN ANY RECORDS REQUIRED BY
19 THIS PART 3 FOR INSPECTION AND REVIEW UPON REQUEST BY the office of
20 information technology created in section 24-37.5-103.

21 **SECTION 6.** In Colorado Revised Statutes, 24-18-302, **amend**
22 (1) and (4) as follows:

23 **24-18-302. Notice of intent to use facial recognition service -**
24 **accountability reports - public review and comment - notice -**
25 **exemption.** (1) (a) On and after August 10, 2022, an agency that uses or
26 intends to develop, procure, or use a facial recognition service shall file
27 with its reporting authority a notice of intent to develop, procure, use, or

1 continue to use the facial recognition service and specify a purpose for
2 which the technology is to be used.

3 (b) A STATE AGENCY SHALL MAINTAIN RECORDS OF THE AGENCY'S
4 INTENT TO DEVELOP, PROCURE, USE, OR CONTINUE TO USE A FACIAL
5 RECOGNITION SERVICE AND SPECIFY A PURPOSE FOR WHICH THE
6 TECHNOLOGY IS TO BE USED. THE RECORDS ARE SUBJECT TO INSPECTION
7 AND REVIEW UPON REQUEST BY THE OFFICE OF INFORMATION
8 TECHNOLOGY CREATED IN SECTION 24-37.5-103.

9 (4) (a) At least ninety days before an agency puts a facial
10 recognition service into operational use, the agency shall post the final
11 adopted accountability report on the agency's public website and submit
12 it to the agency's reporting authority. The reporting authority shall post
13 the most recent version of each submitted accountability report on its
14 public website.

15 (b) A STATE AGENCY SHALL MAINTAIN RECORDS OF THE STATE
16 AGENCY'S FINAL ADOPTED ACCOUNTABILITY REPORT, WHICH RECORDS
17 AND REPORT ARE SUBJECT TO INSPECTION AND REVIEW UPON REQUEST BY
18 THE OFFICE OF INFORMATION TECHNOLOGY CREATED IN SECTION
19 24-37.5-103.

20 **SECTION 7.** In Colorado Revised Statutes, 24-18-308, **amend**
21 (3) as follows:

22 **24-18-308. Use of facial recognition service by agencies -**
23 **disclosure to criminal defendant required - warrants.** (3) (a) In
24 January of each year, any agency that has applied for a warrant or an
25 extension of a warrant for the use of a facial recognition service to engage
26 in any surveillance as described in section 24-18-307 shall provide to the
27 agency's reporting authority a report summarizing nonidentifying

1 demographic data of individuals named in warrant applications as
2 subjects of surveillance with the use of a facial recognition service.

3 (b) A STATE AGENCY SHALL COMPILE THE REPORT DESCRIBED IN
4 SUBSECTION (3)(a) OF THIS SECTION, WHICH REPORT IS SUBJECT TO
5 INSPECTION AND REVIEW UPON REQUEST BY THE OFFICE OF INFORMATION
6 TECHNOLOGY CREATED IN SECTION 24-37.5-103.

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