Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REENGROSSED
This Version Includes All Amendments
Adopted in the House of Introduction

LLS NO. 24-1149.01 Christopher McMichael x4775   **HOUSE BILL 24-1468**

HOUSE SPONSORSHIP

Titone, Parenti

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Hansen,

House Committees	Senate Committees
Business Affairs & Labor	

A BILL FOR AN ACT

101 **CONCERNING THE USE OF EMERGING TECHNOLOGIES, AND, IN**
102 **CONNECTION THEREWITH, EXPANDING THE SCOPE OF THE TASK**
103 **FORCE FOR THE CONSIDERATION OF FACIAL RECOGNITION**
104 **SERVICES TO INCLUDE ARTIFICIAL INTELLIGENCE AND**
105 **BIOMETRIC TECHNOLOGY, ADDING MEMBERS TO THE TASK**
106 **FORCE WHO ARE EXPERTS IN ARTIFICIAL INTELLIGENCE AND**
107 **BIOMETRIC TECHNOLOGY, AND MODIFYING THE REPORTING**
108 **AUTHORITY FOR STATE AGENCIES THAT USE FACIAL**
109 **RECOGNITION TECHNOLOGY.**

Bill Summary

(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

HOUSE
Amended 3rd Reading
May 5, 2024

HOUSE
Amended 2nd Reading
May 2, 2024

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

10   ~~(b)~~ (II) Learn from past behavior and results and adapt their

11   behavior accordingly.

1   (b) "ARTIFICIAL INTELLIGENCE" INCLUDES A GENERATIVE

2   ARTIFICIAL INTELLIGENCE TECHNOLOGY THAT IS ABLE TO PRODUCE

3   SYNTHETIC DIGITAL CONTENT.

4   (1.5) "BIOMETRIC TECHNOLOGY" MEANS A TECHNOLOGY THAT

5   USES, COLLECTS, OR ANALYZES DATA GENERATED BY THE TECHNOLOGICAL

6   PROCESSING, MEASUREMENT, OR ANALYSIS OF AN INDIVIDUAL'S

7   BIOLOGICAL, PHYSICAL, OR BEHAVIORAL CHARACTERISTICS, WHICH DATA

8   CAN BE PROCESSED FOR THE PURPOSE OF UNIQUELY IDENTIFYING AN

9   INDIVIDUAL.

10   (12) "Task force" means the ~~task force for the consideration of~~

11   ~~facial recognition services~~ BIOMETRIC TECHNOLOGY AND ARTIFICIAL

12   INTELLIGENCE POLICY TASK FORCE created in section 2-3-1707.

13   **SECTION 2.** In Colorado Revised Statutes, 2-3-1707, **amend**

14   (1)(a) introductory portion, (1)(a)(IX), (1)(a)(X), (1)(a)(XI), (1)(a)(XIV),

15   (1)(b), (1)(c)(IV), (1)(e), and (2); **repeal** (1)(a)(III); and **add** (1)(a)(XVI),

16   (1)(a)(XVII), (1)(a)(XVIII), and (3)(f) as follows:

17   **2-3-1707. Biometric technology and artificial intelligence**

18   **policy task force - creation - membership - duties - compensation -**

19   **staff support - repeal.** (1) **Creation - membership.** (a) There is created

20   ~~a task force for the consideration of facial recognition services~~ THE

21   BIOMETRIC TECHNOLOGY AND ARTIFICIAL INTELLIGENCE POLICY TASK

22   FORCE. The task force consists of the following ~~fifteen~~ SEVENTEEN

23   members:

24   (III) ~~The director of the Colorado bureau of investigation created~~

25   ~~in section 24-33.5-401 or the director's designee;~~

26   (IX) One member who is an instructor at an institution of higher

27   education ~~and has~~ WITH expert knowledge of, and experience with, facial

1 recognition services technology, ARTIFICIAL INTELLIGENCE TECHNOLOGY,

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

3 senate;

4 (X) One member who ~~is a business professional with~~ HAS expert

5 knowledge of, and experience with, facial recognition services, ~~products~~

6 ARTIFICIAL INTELLIGENCE TECHNOLOGY, OR BIOMETRIC TECHNOLOGY, to

7 be appointed by the speaker of the house of representatives;

8 (XI) One member who is an attorney with expert knowledge of,

9 and experience with, federal and state laws concerning facial recognition

10 services, ARTIFICIAL INTELLIGENCE TECHNOLOGY, OR BIOMETRIC

11 TECHNOLOGY, to be appointed by the president of the senate;

12 (XIV) One member who represents a statewide civil liberties

13 organization, to be appointed by the speaker of the house of

14 representatives; ~~and~~

15 (XVI) ONE MEMBER WHO IS AN ACADEMIC RESEARCHER AND

16 EXPERT IN GENERATIVE ARTIFICIAL INTELLIGENCE TECHNOLOGIES, TO BE

17 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

18 (XVII) ONE MEMBER WHO REPRESENTS AN ORGANIZATION THAT

19 ADVOCATES ON BEHALF OF INDIVIDUALS WHO HAVE HISTORICALLY

20 EXPERIENCED DISCRIMINATION BY ARTIFICIAL INTELLIGENCE AND FACIAL

21 RECOGNITION TECHNOLOGIES, TO BE APPOINTED BY THE GOVERNOR; AND

22 (XVIII) ONE MEMBER WHO IS AN ADVOCATE FOR YOUTH SAFETY

23 AND PRIVACY, TO BE APPOINTED BY THE PRESIDENT OF THE SENATE.

24 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS

25 SECTION, the speaker of the house of representatives and the president of

26 the senate shall make each of the initial appointments described in

27 subsection (1)(a) of this section not later than sixty days after August 10,

1   2022.

2   (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE

3   PRESIDENT OF THE SENATE, AND THE GOVERNOR SHALL MAKE THE

4   APPOINTMENTS DESCRIBED IN SUBSECTIONS (1)(a)(XVI), (1)(a)(XVII),

5   AND (1)(a)(XVIII) OF THIS SECTION 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   (e) In making appointments to the task force, the speaker of the

11   house of representatives, and the president of the senate, AND THE

12   GOVERNOR shall ensure that the membership of the task force:

13   (I) Reflects the ethnic, cultural, RACIAL, and gender diversity of

14   the state;

15   (II) Includes representation of all areas of the state, including

16   persons who do not reside in the front range region of the state; and

17   (III) To the extent practicable, includes persons with disabilities;

18   AND

19   (IV) INCLUDES REPRESENTATION FROM COMMUNITIES THAT HAVE

20   HISTORICALLY   EXPERIENCED   DISCRIMINATION   BY   ARTIFICIAL

21   INTELLIGENCE AND FACIAL RECOGNITION TECHNOLOGIES.

22   (2) **Issues for study.** The task force shall examine and, pursuant

23   to subsection (3)(e) of this section, report to the committee concerning the

24   extent to which state and local government agencies are currently using

25   facial recognition services, ARTIFICIAL INTELLIGENCE TECHNOLOGY,

26   AND BIOMETRIC TECHNOLOGY and provide recommendations concerning

27   the extent to which state and local government agencies should be

1   permitted to use facial recognition services, ARTIFICIAL INTELLIGENCE

2 TECHNOLOGY, AND BIOMETRIC TECHNOLOGY, including consideration of:

3   (a) Regulation, approval, and procurement of facial recognition

4 services, ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC

5 TECHNOLOGY;

6   (b) Access to data collected by facial recognition services,

7 ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC TECHNOLOGY;

8   (c) Education of the public concerning facial recognition services,

9 ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC TECHNOLOGY,

10 including in public schools and institutions of higher education;

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

12 services, ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC

13 TECHNOLOGY;

14   (e) Transparency and disclosure requirements concerning how

15 state and local government agencies use facial recognition services,

16 ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC TECHNOLOGY;

17   (f) The potential abuses and threats posed to civil liberties,

18 freedoms, privacy, and security by the use of facial recognition services,

19 ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC TECHNOLOGY;

20   (g) The potential impact of the use of facial recognition services,

21 ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND BIOMETRIC TECHNOLOGY on

22 vulnerable communities, WITH THE ACKNOWLEDGMENT THAT FACIAL

23 RECOGNITION SERVICES, ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND

24 BIOMETRIC TECHNOLOGY EXHIBIT BIAS AGAINST VULNERABLE

25 COMMUNITIES; and

26   (h) How to facilitate and encourage the continued development of

27 facial recognition services, ARTIFICIAL INTELLIGENCE TECHNOLOGY, AND

1   BIOMETRIC TECHNOLOGY so that individuals, businesses, governments,

2   and other institutions can benefit from their use while safeguarding

3   against potential abuses and threats.

4   (3) **Additional duties of the task force.** The task force shall:

5   (f) ANNUALLY DEFINE, NO LATER THAN THE TASK FORCE'S SECOND

6   MEETING OF THE YEAR, THE SCOPE OF THE ISSUES THAT THE TASK FORCE

7   WILL FOCUS ON FOR THE YEAR.

8   **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **amend**

9   (18.5)(a)(III) as follows:

10   **2-3-1203. Sunset review of advisory committees - legislative**

11   **declaration - definition - repeal.** (18.5) (a) The following statutory

12   authorizations for the designated advisory committees will repeal on

13   September 1, 2027:

14   (III) The ~~task force for the consideration of facial recognition~~

15   ~~services~~ BIOMETRIC TECHNOLOGY AND ARTIFICIAL INTELLIGENCE POLICY

16   TASK FORCE created in section 2-3-1707.

17   ■ ■ ■

18   **SECTION 4.** In Colorado Revised Statutes, 24-18-301, **amend**

19   (14) as follows:

20   **24-18-301. Definitions.** As used in this part 3, unless the context

21   otherwise requires:

22   (14) "Reporting authority" means:

23   (a) For a local government agency, the city council, county

24   commission, or other local government agency in which legislative

25   powers are vested; and

26   (b) For a state agency, ~~the office of information technology~~

27   ~~created in section 24-37.5-103~~ THE STATE AGENCY SHALL SERVE AS ITS

1   OWN REPORTING AUTHORITY AND MAINTAIN ANY RECORDS REQUIRED BY

2   THIS PART 3.

3   **SECTION 5.** In Colorado Revised Statutes, 24-18-302, **amend**

4   (1) and (4) as follows:

5   **24-18-302. Notice of intent to use facial recognition service -**

6   **accountability reports - public review and comment - notice -**

7   **exemption.** (1) (a) On and after August 10, 2022, an agency that uses or

8   intends to develop, procure, or use a facial recognition service shall file

9   with its reporting authority a notice of intent to develop, procure, use, or

10   continue to use the facial recognition service and specify a purpose for

11   which the technology is to be used.

12   (b) A STATE AGENCY SHALL MAINTAIN RECORDS OF THE AGENCY'S

13   INTENT TO DEVELOP, PROCURE, USE, OR CONTINUE TO USE A FACIAL

14   RECOGNITION SERVICE AND SPECIFY A PURPOSE FOR WHICH THE

15   TECHNOLOGY IS TO BE USED.

16   (4) (a) At least ninety days before an agency puts a facial

17   recognition service into operational use, the agency shall post the final

18   adopted accountability report on the agency's public website and submit

19   it to the agency's reporting authority. The reporting authority shall post

20   the most recent version of each submitted accountability report on its

21   public website.

22   (b) A STATE AGENCY SHALL MAINTAIN RECORDS OF THE STATE

23   AGENCY'S FINAL ADOPTED ACCOUNTABILITY REPORT.

24

25   **SECTION 6. Act subject to petition - effective date.** This act

26   takes effect at 12:01 a.m. on the day following the expiration of the

27   ninety-day period after final adjournment of the general assembly; except

1   that, if a referendum petition is filed pursuant to section 1 (3) of article V

2   of the state constitution against this act or an item, section, or part of this

3   act within such period, then the act, item, section, or part will not take

4   effect unless approved by the people at the general election to be held in

5   November 2024 and, in such case, will take effect on the date of the

6   official declaration of the vote thereon by the governor.