

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-1149.01 Christopher McMichael x4775

HOUSE BILL 24-1468

HOUSE SPONSORSHIP

Titone,

SENATE SPONSORSHIP

Hansen,

House Committees
Business Affairs & Labor

Senate Committees

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

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.

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; and

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

1 **(3) Additional duties of the task force.** The task force shall:
2 (f) ANNUALLY DEFINE, NO LATER THAN THE TASK FORCE'S SECOND
3 MEETING OF THE YEAR, THE SCOPE OF THE ISSUES THAT THE TASK FORCE
4 WILL FOCUS ON FOR THE YEAR.

5 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **amend**
6 (18.5)(a)(III) as follows:

7 **2-3-1203. Sunset review of advisory committees - legislative**
8 **declaration - definition - repeal.** (18.5) (a) The following statutory
9 authorizations for the designated advisory committees will repeal on
10 September 1, 2027:

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

14 ■■ ■
15 **SECTION 4.** In Colorado Revised Statutes, 24-18-301, **amend**
16 (14) as follows:

17 **24-18-301. Definitions.** As used in this part 3, unless the context
18 otherwise requires:

19 (14) "Reporting authority" means:
20 (a) For a local government agency, the city council, county
21 commission, or other local government agency in which legislative
22 powers are vested; and

23 (b) For a state agency, ~~the office of information technology~~
24 ~~created in section 24-37.5-103~~ THE STATE AGENCY SHALL SERVE AS ITS
25 OWN REPORTING AUTHORITY AND MAINTAIN ANY RECORDS REQUIRED BY
26 THIS PART 3.

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

1 (1) and (4) as follows:

2 **24-18-302. Notice of intent to use facial recognition service -**
3 **accountability reports - public review and comment - notice -**
4 **exemption.** (1) (a) On and after August 10, 2022, an agency that uses or
5 intends to develop, procure, or use a facial recognition service shall file
6 with its reporting authority a notice of intent to develop, procure, use, or
7 continue to use the facial recognition service and specify a purpose for
8 which the technology is to be used.

9 (b) A STATE AGENCY SHALL MAINTAIN RECORDS OF THE AGENCY'S
10 INTENT TO DEVELOP, PROCURE, USE, OR CONTINUE TO USE A FACIAL
11 RECOGNITION SERVICE AND SPECIFY A PURPOSE FOR WHICH THE
12 **TECHNOLOGY IS TO BE USED.**

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

19 (b) A STATE AGENCY SHALL MAINTAIN RECORDS OF THE STATE
20 **AGENCY'S FINAL ADOPTED ACCOUNTABILITY REPORT.**

21

22 **SECTION 6. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2024 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.