

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 6280 SSB	Title: Concerning the use of Facial Recognition Technology	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Total:					

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
Account					
General Fund – State (001-1)					
State Subtotal					
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:					

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would set forth requirements for governmental agency use of facial recognition technology.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

Section 9(3) – Would provide that in January of each year, any judge who has issued a warrant for ongoing surveillance, or an extension thereof, as described in Section 12(1) of this act, that expired in the preceding year, or who has denied approval of such a warrant during that year shall report to the Washington State Supreme Court:

- (a) The fact that a warrant or extension was applied for;
- (b) The fact that the warrant or extension was granted as applied for, was modified, or was denied;
- (c) The period of ongoing surveillance authorized by the warrant and the number and duration of any extensions of the warrant;
- (d) The identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and
- (e) The nature of the public spaces where the surveillance was conducted.

Section 12(1)(a) – Would provide that state and local government agencies may not use facial recognition services for ongoing surveillance unless it is for law enforcement purposes and there is a search warrant or exigent circumstances relating to a person's physical safety.

This bill differs from SB 6280:

Would modify the definition of serious criminal offense by adding crimes against persons;

Would clarify that facial recognition services must be tested for unfair performance differences across distinct subpopulations as defined by visually detectable characteristics or other protected characteristics;

Would require the methodology and data used for independent testing, in addition to the results, to be provided to processors in a manner allowing for full reproduction of testing;

Would provide that making available an application programming interface for tests does not require the disclosure of certain information such as proprietary data or if doing so would increase the risk of cyberattacks;

Would provide reporting and use exemptions for certain facial recognition services;

Would amend the process for obtaining a search warrant for a facial recognition service being used in an emergency;

Would change staff support for the task force from the Governor to the Legislature;

Would exempt federally mandated facial recognition services from this act;

Would provide that the use of body worn camera recordings by law enforcement agencies shall comply with RCW 42.56.240(14); and

Would make other technical corrections.

II.B - Cash Receipt Impact

None.

II.C – Expenditures

Indeterminate, but expected to be minimal. Courts would be required to provide a report to the Supreme Court per the requirements of Section 9. It is assumed the Administrative Office of the Courts (AOC) would be required to create a report/form and create and maintain a procedure for reporting.