

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 1647, Page 1, In the Title, Lines 2-3, by deleting the words, "prohibitions
2 on certain policies that infringe on private property rights" and inserting in lieu thereof the words,
3 "privacy rights"; and
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5 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line the
6 following:

7 "1.220. 1. Notwithstanding any other provision of law and except as provided in subsections
8 2 to 6 of this section, no state agency or department or any other political subdivision shall engage
9 in, contract for, or cooperate with any other agency in the biometric analysis of any photographic or
10 digital data or retain any biometric data of any individual.

11 2. No college or university shall be in violation of the provisions of this section if the college
12 or university engages in biometric analysis for academic purposes and the subject of the photograph
13 or digital data has given consent to the analysis.

14 3. Any biometric data of an individual that is a subject of an open investigation or pending
15 criminal court case and that has been collected pursuant to the investigation or pending case shall be
16 retained by the collecting agency, department, or subdivision. Any biometric data that has been
17 collected of an individual convicted of a crime may be retained by the collecting agency, department,
18 or subdivision indefinitely.

19 4. Nothing in this section shall prevent any law enforcement agency, the state highway
20 patrol, or the department of social services from collecting fingerprint samples and conducting a
21 fingerprint background check.

22 5. Nothing in this section shall prevent the collection and use by the state of biometric data
23 of individuals in the custody, control, or care of the state.

24 6. Nothing in this section shall prevent biometric data from being collected and used to
25 identify or monitor an individual who is a person of interest in an ongoing law enforcement
26 investigation or to determine initial eligibility and continuing participation in the receipt of public
27 assistance from any local, state or federal agency. For purposes of this section, a law enforcement
28 investigation shall include both civil and criminal investigations.

29 7. Any individual, agency, department, or subdivision that:

30 (1) Violates the provisions of subsection 1 of this section shall be guilty of a class A
31 misdemeanor;

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1 (2) Shares or accesses any biometric data that has been illegally retained shall be guilty of a
2 class D felony; or

3 (3) Shares or accesses, through batch processing, multiple individual's biometric data that has
4 been illegally retained shall be guilty of a class C felony.

5 8. For the purposes of this section, "biometric analysis" shall include, but is not limited to,
6 the analysis of biometric data as that term is defined in subsection 2 of section 302.189."; and

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8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.
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