

HOUSE BILL NO. 144

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES THOMPSON, LeDoux, Peggy Wilson

Introduced: 2/27/13

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to biometric information."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 18 is amended by adding a new chapter to read:

4 **Chapter 14. Biometric Information.**

5 **Sec. 18.14.010. Biometric information collection.** (a) A person may not
6 collect the biometric information of an individual who is not the person unless the
7 person first

8 (1) notifies the individual in a clear manner that the biometric
9 information is being collected, the specific purpose for which the biometric
10 information will be used, and how long the biometric information will be kept; and

11 (2) receives, in a written, electronic, or other form by which the
12 consent can be documented, the individual's full consent to the collection of the
13 biometric information, the specific purpose for which the biometric information will
14 be used, and how long the biometric information will be kept.

15 (b) An individual may revoke or amend the individual's consent provided

1 under (a) of this section at any time after the original purpose for which the consent
2 was given ceases to exist.

3 **Sec. 18.14.020. Disclosure of biometric information.** (a) A collector and a
4 collector's contractor may not disclose, transfer, or distribute the biometric information
5 of another individual, except to its contractor or to a person to authenticate the identity
6 of the individual providing the biometric information.

7 (b) A disclosure, transfer, or distribution under (a) of this section may be made
8 only for the original purpose for which the biometric information was collected.

9 **Sec. 18.14.030. Sale of biometric information.** A person may not sell
10 biometric information, except that a contractor may sell the contractor's business to
11 another person and transfer the biometric information to the buyer.

12 **Sec. 18.14.040. Disposal.** (a) When a collector no longer needs an individual's
13 biometric information for the original purpose for which the biometric information
14 was collected, the collector and the collector's contractor, if any, shall, within 120 days
15 and unless prohibited by other law, a regulation, or a court order, remove the
16 individual's biometric information from all databases and storage systems and destroy
17 the biometric information.

18 (b) Within 60 days after determining that the collector no longer needs an
19 individual's biometric information for the original purpose for which the biometric
20 information was collected, the collector shall notify the collector's contractor, if any,
21 that the collector is to remove the individual's biometric information from all
22 databases and storage systems and destroy the biometric information.

23 **Sec. 18.14.050. Use of biometric information.** A collector may use the
24 biometric information for a fraud prevention purpose in addition to the specific
25 purpose for which the biometric information was collected.

26 **Sec. 18.14.060. Storage of biometric information.** A collector and a
27 contractor shall store an individual's biometric information in a secure manner, which
28 may include encryption or another appropriate method, to ensure that the identity of
29 the individual who provided the biometric information is protected.

30 **Sec. 18.14.070. Right of action.** An individual may bring a civil action against
31 a person who intentionally violates this chapter. A person who intentionally violates

1 this chapter is liable to the individual for a penalty of \$1,000, except that, if the
 2 violation resulted in profit or monetary gain to the person, the penalty is \$5,000. In
 3 this subsection, "intentionally" has the meaning given in AS 11.81.900.

4 **Sec. 18.14.080. Exemptions.** (a) This chapter does not apply to the collection,
 5 retention, analysis, disclosure, or distribution of

6 (1) biometric information for a law enforcement purpose, including the
 7 identification of perpetrators, the investigation of crimes, the identification of missing
 8 or unidentified persons, or the identification of human remains;

9 (2) biometric information when authorized by state or federal law;

10 (3) facial images by the Department of Administration for drivers'
 11 licenses issued under AS 28.15, for state identification cards issued under
 12 AS 18.65.310, for administering AS 28.15, or for administering AS 18.65.310; or

13 (4) a photograph, unless the photograph is collected for use in a
 14 biometric system.

15 (b) This chapter does not apply to the retention of voices recorded for quality
 16 assurance purposes.

17 **Sec. 18.14.090. Definitions.** In this chapter,

18 (1) "biometric data" means fingerprints, handprints, voices, iris
 19 images, retinal images, vein scans, hand geometry, finger geometry, or other physical
 20 characteristics of an individual;

21 (2) "biometric information" means biometric data used in a biometric
 22 system for fingerprint recognition, hand geometry recognition, finger geometry
 23 recognition, voice recognition, iris scans, retinal scans, vein recognition, or other
 24 recognition of a physical characteristic of an individual;

25 (3) "biometric system" means an automated system that

26 (A) captures biometric data from an individual's biometric
 27 information;

28 (B) extracts and processes the biometric data captured under
 29 (A) of this paragraph;

30 (C) stores the biometric data extracted under (B) of this
 31 paragraph;

1 (D) compares the biometric data extracted under (B) of this
2 paragraph with biometric data stored for the individual for use in future
3 recognition of the individual; and

4 (E) determines how well the extracted and stored biometric
5 data match when compared under (D) of this paragraph, and indicating
6 whether an identification or verification of identity has been achieved;

7 (4) "collector" means a person who collects the biometric information
8 of another individual;

9 (5) "contractor" means a person who contracts with a collector to store
10 the biometric information collected by the collector, and includes a person to whom
11 the contractor sells the contractor's business and transfers the biometric information;

12 (6) "finger geometry recognition" means the use of the shape and
13 dimensions of one or more fingers for recognition purposes;

14 (7) "fingerprint recognition" means the use of the physical structure of
15 an individual's fingerprint for recognition purposes;

16 (8) "hand geometry recognition" means the use of the physical
17 structure of an individual's hand for recognition purposes;

18 (9) "iris scan" means the use of an image of the physical structure of an
19 individual's iris for recognition purposes;

20 (10) "person" has the meaning given in AS 01.10.060, and includes a
21 governmental entity; in this paragraph,

22 (A) "governmental entity" means a state agency, a
23 municipality, and an agency of a municipality;

24 (B) "state agency" means an agency of the executive, judicial,
25 or legislative branch of state government;

26 (11) "retinal scan" means the use of the pattern of blood vessels in an
27 individual's eye for recognition purposes;

28 (12) "vein recognition" means the use of the veins in an individual's
29 skin for recognition purposes.