

SENATE, No. 3499

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JANUARY 26, 2023

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Prohibits use of facial recognition technology on consumer except for legitimate safety purpose.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning facial recognition and supplementing P.L.1960,
2 c.39 (C.56:8-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. It shall be an unlawful practice and a violation of P.L.1960,
8 c.39 (C.56:8-1 et seq.) for a person selling or offering for sale goods
9 or services at retail or any place of public accommodation to use any
10 biometric surveillance system on a consumer, except if used for a
11 legitimate safety purpose.

12 b. As used in this section:

13 “Biometric surveillance system” means any computer software
14 that performs facial recognition or other remote biometric
15 recognition.

16 “Facial recognition” means an automated or semi-automated
17 process that assists in identifying a person or capturing information
18 about a person based on the physical characteristics of the person’s
19 face, or that logs characteristics of a person’s face, head, or body to
20 infer emotion, associations, activities, or location of the person.

21 “Legitimate safety purpose” means any purpose reasonably likely
22 to reduce the risk to the life or safety of any person.

23 “Place of public accommodation” means any place open to the
24 public offering for sale goods or services to a consumer, and shall
25 include, but not be limited to, an entertainment or sports venue.

26

27 2. This act shall take effect immediately.

28

29

30 STATEMENT

31

32 The bill prohibits a person selling or offering for sale goods or
33 services at retail or any place of public accommodation from using
34 any biometric surveillance system on a consumer, except if used for
35 a legitimate safety purpose.

36 The bill defines “biometric surveillance system” to mean any
37 computer software that performs facial recognition or other remote
38 biometric recognition. In addition, the bill defines “facial
39 recognition” as an automated or semi-automated process that assists
40 in identifying a person or capturing information about a person based
41 on the physical characteristics of the person’s face, or that logs
42 characteristics of a person’s face, head, or body to infer emotion,
43 associations, activities, or location of the person. The bill defines
44 “legitimate safety purpose” as any purpose reasonably likely to
45 reduce the risk to life or safety of any person. Finally, the bill defines
46 “place of public accommodation” as any place open to the public
47 offering for sale goods or services to a consumer, and shall include,
48 but not be limited to, an entertainment or sports venue.

S3499 CORRADO

3

1 A violation of the bill' s provisions is an unlawful practice under
2 the consumer fraud act punishable by a monetary penalty of not more
3 than \$10,000 for a first offense and not more than \$20,000 for any
4 subsequent offense. In addition, violations may result in cease and
5 desist orders issued by the Attorney General, the assessment of
6 punitive damages, and the awarding of treble damages and costs to
7 the injured party.