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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3661

1.1 A bill for an act
1.2 relating to public safety; prohibiting the acquisition and use of facial recognition
1.3 technology by government entities; proposing coding for new law in Minnesota
1.4 Statutes, chapter 626.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 626.191 FACIAL RECOGNITION TECHNOLOGY.

1.7 Subdivision 1. Definitions. For purposes of this section, the following terms have the
1.8 meanings given:

1.9 (1) "face surveillance" means an automated or semiautomated process that assists in
1.10 identifying an individual or capturing information about an individual, based on the physical
1.11 characteristics of an individual's face;

1.12 (2) "face surveillance system" means a computer software or an application that performs
1.13 face surveillance;

1.14 (3) "government entity" means a state or local unit of government or law enforcement
1.15 agency; and

1.16 (4) "government official" means a person acting on behalf of a government entity.

1.17 Subd. 2. Ban on government use of face surveillance. A government entity or
1.18 government official may not:

1.19 (1) obtain, retain, access, or use a face surveillance system or information obtained from
1.20 a face surveillance system; or

2.1 (2) enter into an agreement or arrangement with a private entity to obtain, retain, access,
2.2 or use a face surveillance system or information obtained from a face surveillance system.

2.3 Subd. 3. **Enforcement.** (a) No data collected or derived from any use of face surveillance
2.4 in violation of this section and no evidence derived from its use may be received in evidence
2.5 in a trial, hearing, or other proceeding in or before a court, grand jury, department, officer,
2.6 agency, regulatory body, legislative committee, or other authority subject to state law. Face
2.7 surveillance data collected or derived in violation of this section is considered unlawfully
2.8 obtained and must be deleted upon discovery.

2.9 (b) A violation of this section constitutes an injury and a person may institute proceedings
2.10 for injunctive relief, declaratory relief, or writ of mandate in a court of competent jurisdiction.
2.11 An action instituted under this paragraph may be brought against the respective government
2.12 entity and, if necessary to effectuate compliance with this section, any other government
2.13 entity with possession, custody, or control of data subject to this section.

2.14 (c) A person who has been subjected to face recognition in violation of this section, or
2.15 about whom information has been obtained, retained, accessed, or used in violation of this
2.16 section, may institute proceedings in a court of competent jurisdiction against the government
2.17 entity and shall be entitled to recover actual damages, but not less than liquidated damages
2.18 of \$1,000 or \$100 for each violation, whichever is greater.

2.19 (d) A court must award costs and reasonable attorney fees to a plaintiff who is the
2.20 prevailing party in an action brought under paragraph (b) or (c).

2.21 (e) Violations of this section by a government official may be addressed through
2.22 retraining, suspension, or termination, subject to due process requirements.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2026.