

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1443 Session of
2009

INTRODUCED BY ROHRER, MANDERINO, BENNINGHOFF, BRENNAN, BROOKS,
CALTAGIRONE, CARROLL, CLYMER, CREIGHTON, CUTLER, DENLINGER,
DeWEESE, ELLIS, FABRIZIO, FLECK, FREEMAN, GEORGE, GIBBONS,
GILLESPIE, GINGRICH, GOODMAN, GRUCELA, HARKINS, HARRIS,
HORNAMAN, HUTCHINSON, KAUFFMAN, M. KELLER, KORTZ, MARSHALL,
MELIO, METZGAR, MILLARD, MILNE, MOUL, MUNDY, MUSTIO, PALLONE,
PASHINSKI, PETRARCA, RAPP, READSHAW, REICHLEY, ROAE, ROCK,
SAYLOR, SIPTROTH, K. SMITH, STEVENSON, SWANGER, TALLMAN,
TRUE, WAGNER AND WHEATLEY, MAY 5, 2009

REFERRED TO COMMITTEE ON INTERGOVERNMENTAL AFFAIRS, MAY 5, 2009

AN ACT

1 Prohibiting the Commonwealth from participation in the Federal
2 REAL ID Act of 2005 and other related laws; and providing for
3 the authority of the Governor and Attorney General to file
4 certain legal challenges.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the REAL ID and
9 Biometric and Economic Privacy Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Biometric data." Information relating to a biological
15 characteristic of an individual that makes that individual

1 unique from any other individual.

2 (1) The term includes, but is not limited to, the
3 following:

4 (i) Fingerprints, palm prints and other means for
5 measuring or recording ridge pattern or fingertip
6 characteristics.

7 (ii) Facial feature pattern characteristics,
8 excluding any low resolution photographic image of a
9 face.

10 (iii) Voice data collected for comparing live speech
11 with a previously created speech model of an individual's
12 voice.

13 (iv) Iris recognition data containing color or
14 texture patterns or codes.

15 (v) Keystroke dynamics, measuring pressure applied
16 to key pads.

17 (vi) Hand geometry, measuring hand characteristics,
18 including the shape and length of fingers, in three
19 dimensions.

20 (vii) Retinal scans, reading through the pupil to
21 measure blood vessels lining the retina.

22 (viii) Deoxyribonucleic acid or ribonucleic acid.

23 (2) The term does not include a handwritten signature.

24 "Compromise." Any disclosure of information except:

25 (1) A disclosure to a court or law enforcement agency
26 pursuant to arrest or indictment.

27 (2) A disclosure to any law enforcement agency if there
28 is reasonable suspicion that the individual has committed a
29 crime.

30 (3) A disclosure authorized by any Federal statute

1 finally enacted on or before May 10, 2005.

2 (4) A disclosure authorized by any state statute finally
3 enacted on or before the effective date of this section.

4 "Economic privacy." The privacy of an individual that
5 relates to a right, privilege or reasonable expectation that
6 certain information is required by law to be held confidential
7 or is otherwise protected from unauthorized disclosure to the
8 public.

9 "Low resolution photographic image of a face." A
10 photographic image of a face or a portion of a face with a
11 resolution no greater than necessary for human identification
12 and verification. The term does not include a photo image with a
13 resolution of more than 30 pixels between eye centers or any
14 image with a resolution that enables the extraction of biometric
15 data.

16 "REAL ID Act of 2005." Division B of the Emergency
17 Supplemental Appropriations Act for Defense, the Global War on
18 Terror and the Tsunami Relief, 2005 (Public Law 109-13, 119
19 Stat. 302).

20 Section 3. Participation in the REAL ID Act of 2005.

21 Neither the Governor nor the Department of Transportation or
22 any other Commonwealth agency shall participate in the
23 compliance of any provision of the REAL ID Act of 2005.

24 Section 4. Participation in other related laws.

25 Neither the Governor nor the Department of Transportation or
26 any other Commonwealth agency shall participate in the
27 compliance with any Federal law, regulation or policy that would
28 compromise the economic privacy or biometric data of any
29 resident of this Commonwealth.

30 Section 5. Legal challenge.

1 Either the Governor or the Attorney General may file an
2 action in a court of competent jurisdiction to challenge the
3 constitutionality or legality of the REAL ID Act of 2005.

4 Section 6. Effective date.

5 This act shall take effect in 60 days.