

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 621 Session of 2009

INTRODUCED BY FOLMER, KITCHEN, WOZNIAK, FONTANA, WILLIAMS,  
ERICKSON, FERLO, EARLL, M. WHITE, PIPPY, ORIE, LEACH,  
ALLOWAY, STACK AND MELLOW, MARCH 19, 2009

REFERRED TO COMMUNICATIONS AND TECHNOLOGY, MARCH 19, 2009

AN ACT

1 Relating to compliance with the Federal REAL ID Act of 2005 and  
2 other laws involving biometric and economic privacy.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

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

8 Section 2. Definitions.

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

12 "Biometric data." Information relating to a biological  
13 characteristic of an individual that makes that individual  
14 unique from any other individual, including, but not limited to,  
15 the following:

16 (1) Fingerprints, palm prints and other means for  
17 measuring or recording ridge pattern or fingertip

1 characteristics.

2 (2) Facial feature pattern characteristics.

3 (3) Behavior characteristics of a handwritten signature,  
4 such as shape, speed, pressure, pen angle or sequence.

5 (4) Voice data used for comparing live speech with a  
6 previously created speech model of an individual's voice.

7 (5) Iris recognition data containing color or texture  
8 patterns or codes.

9 (6) Keystroke dynamics, measuring pressure applied to  
10 key pads.

11 (7) Hand geometry, measuring hand characteristics,  
12 including the shape and length of fingers, in three  
13 dimensions.

14 (8) Retinal scans, reading through the pupil to measure  
15 blood vessels lining the retina.

16 (9) Deoxyribonucleic acid or ribonucleic acid.

17 "Economic privacy." The privacy of an individual that  
18 relates to a right, privilege or reasonable expectation that  
19 certain information is required by law to be held confidential  
20 or is otherwise considered to be confidential to that  
21 individual, including, but not limited to:

22 (1) Information included in a tax return required by law  
23 to be filed with the Federal, State or a local government.

24 (2) Information on financial transactions conducted by  
25 or on behalf of the individual.

26 (3) Information of investment transactions conducted by  
27 or on behalf of the individual.

28 "REAL ID Act of 2005." Division B of the Emergency  
29 Supplemental Appropriations Act for Defense, the Global War on  
30 Terror and Tsunami Relief, 2005 (Public Law 109-13, 119 Stat.

1 302).

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

3 Neither the Governor nor the Department of Transportation or  
4 any other Commonwealth agency shall participate in the  
5 compliance of any provision of the REAL ID Act of 2005.

6 Section 4. Participation in other related laws.

7 Neither the Governor nor the Department of Transportation or  
8 any other Commonwealth agency shall participate in the  
9 compliance with any Federal law, regulation or policy that would  
10 compromise the economic privacy or biometric data of any  
11 resident of this Commonwealth.

12 Section 5. Legal challenge.

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

16 Section 20. Effective date.

17 This act shall take effect in 60 days.