

## 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, MELLOW, WASHINGTON, BOSCOLA, FARNESE AND  
KASUNIC, MARCH 19, 2009

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 7,  
2010

## AN ACT

1 Relating to compliance with the Federal REAL ID Act of 2005.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the REAL ID and

6 ~~Biometric and Economic Privacy~~ NONPARTICIPATION Act.

7 ~~Section 2. Definitions.~~

8 ~~The following words and phrases when used in this act shall~~

9 ~~have the meanings given to them in this section unless the~~

10 ~~context clearly indicates otherwise:~~

11 ~~"Biometric data." Information relating to a biological~~

12 ~~characteristic of an individual that makes that individual~~

13 ~~unique from any other individual, including, but not limited to,~~

14 ~~the following:~~

15 ~~(1) Fingerprints, palm prints and other means for~~

16 ~~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~~ 2. Participation in the REAL ID Act of 2005. ←

3 (A) PROHIBITION.--Neither the Governor nor the Department of ←

4 Transportation or any other Commonwealth agency shall

5 participate in the compliance of any provision of the REAL ID

6 Act of 2005 OR REGULATIONS PROMULGATED THEREUNDER. ←

7 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "REAL ID ←

8 ACT OF 2005" MEANS DIVISION B OF THE EMERGENCY SUPPLEMENTAL

9 APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND

10 TSUNAMI RELIEF, 2005 (PUBLIC LAW 109-13, 119 STAT. 302).

11 Section ~~4~~ 3. Legal challenge. ←

12 Either the Governor or the Attorney General may file an

13 action in a court of competent jurisdiction to challenge the

14 constitutionality or legality of the REAL ID Act of 2005.

15 Section 20. Effective date.

16 This act shall take effect in 60 days.