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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1338 Session of  
2021

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INTRODUCED BY SIMS, SANCHEZ, DELLOSO, KINSEY, DAVIDSON, HILL-  
EVANS, LEE, MADDEN, KINKEAD, PISCIOTTANO, BULLOCK AND  
N. NELSON, MAY 6, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 6, 2021

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AN ACT

1 Establishing the Automated Decision Systems Task Force.

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 Automated  
6 Decision Systems Task Force Act.

7 Section 2. Findings.

8 The General Assembly finds:

9 (1) Automated decision systems have been utilized in  
10 recent years to assist in decision making in State and local  
11 governments and in businesses, including in issues of  
12 criminal justice and public benefits.

13 (2) Automated decision systems serve a variety of  
14 functions to assist organizations, agencies and corporations  
15 and to improve efficiency, but these systems can lack  
16 transparency and may be utilized without public knowledge.

17 (3) The use of automated decision systems, including

1 controversial technology like facial recognition, may  
2 unwittingly have a disproportionate negative impact on  
3 members of marginalized communities by reinforcing existing  
4 biases.

5 (4) Reliance on automated decision systems require  
6 oversight and transparency to prevent the entrenching of  
7 biases and to mitigate potential harm.

8 (5) The Commonwealth must examine the use of automated  
9 decision systems to ensure transparency.

10 Section 3. 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 "Task force." The Automated Decision Systems Task Force  
15 established under section 4.

16 Section 4. Automated Decision Systems Task Force.

17 (a) Establishment.--The Automated Decision Systems Task  
18 Force is established to study the use of automated decision  
19 systems in government.

20 (b) Membership.--The task force shall consist of the  
21 following members:

22 (1) One member appointed by the Governor.

23 (2) One member appointed by the Majority Leader of the  
24 Senate.

25 (3) One member appointed by the Minority Leader of the  
26 Senate.

27 (4) One member appointed by the Majority Leader of the  
28 House of Representatives.

29 (5) One member appointed by the Minority Leader of the  
30 House of Representatives.

1 (6) One member appointed by the Attorney General.

2 (c) Appointment of members.--The following shall apply:

3 (1) Each member appointed to the task force shall be  
4 knowledgeable of the issues surrounding automated decision  
5 systems and technological ethics.

6 (2) Appointments to the task force shall be made within  
7 30 days of the effective date of this section. Any vacancy  
8 shall be filled by the relevant appointing authority.

9 (3) Members of the task force shall elect a member to  
10 serve as the chairperson of the task force.

11 (d) Expenses.--Members may not receive compensation for  
12 service on the task force but shall be reimbursed for all  
13 necessary travel and other reasonable expenses incurred in  
14 connection with the performance of duties as members of the task  
15 force.

16 (e) Business.--The following shall apply:

17 (1) The physical or remote presence of a majority of the  
18 members shall constitute a quorum of the task force.

19 (2) Action of the task force must be authorized or  
20 ratified by a majority vote of the members of the task force.

21 (3) A member not physically present may participate by  
22 teleconference, video conference or other electronic means.

23 (4) The first meeting of the task force shall be  
24 convened within 60 days of the effective date of this  
25 section.

26 (5) The task force shall meet at least four times  
27 annually beginning on the date of the first meeting and may  
28 hold additional meetings upon the written request of a two-  
29 thirds majority of members of the task force.

30 (6) The task force shall hold public hearings as

1 necessary to obtain information required to conduct reviews  
2 under this act.

3 (7) The task force may participate in meetings or  
4 hearings via teleconference when necessary.

5 (8) The task force shall determine the location of  
6 meetings in this Commonwealth, subject to the approval of the  
7 chairperson.

8 (9) The Department of Human Services, the Department of  
9 Transportation, the Pennsylvania Board of Probation and  
10 Parole and any other agency that uses automated decision  
11 systems shall cooperate to provide administrative or other  
12 assistance to the task force.

13 (f) Powers and duties.--The task force shall have the power  
14 and duty to:

15 (1) Review and analyze the prevalence of the use of  
16 automated decision systems in this Commonwealth.

17 (2) Hold public hearings for the taking of testimony and  
18 the requesting of documents.

19 (3) Administer oaths and affirmations to witnesses  
20 appearing before the task force.

21 (4) Accept and review written comments from individuals  
22 and organizations.

23 (5) Issue a report to the Governor, Senate and House of  
24 Representatives with the findings of the task force within  
25 one year of the first meeting of the task force. The report  
26 shall include findings and recommendations regarding:

27 (i) potential oversight for the use of automated  
28 decision systems;

29 (ii) a complete accounting of which agencies utilize  
30 automated decision systems and how they are used;

1           (iii) any issues of bias or potential bias that have  
2 arisen through the use of automated decision systems  
3 within government agencies;

4           (iv) legislative solutions to remedy any potential  
5 bias caused by the use of automated decision systems; and

6           (v) development of guidelines to ensure that  
7 information about the use of automated decision systems  
8 is publicly available.

9 Section 5. Effective date.

10 This act shall take effect immediately.