

HOUSE BILL NO. 1496

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 9, 2024)

(Patron Prior to Substitute--Delegate Rasoul)

A BILL to amend and reenact the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.9, relating to Surveillance Technology Reporting by localities; report.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.9 as follows:

§ 9.1-116.9. Surveillance Technology Reporting by localities; report.

A. For purposes of this section, "surveillance technology" means any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual, group, or place or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software. "Surveillance technology" includes (i) international mobile subscriber identity (IMSI) catchers and other cell site simulators; (ii) automatic license plate readers; (iii) electronic toll readers; (iv) closed-circuit television cameras; (v) biometric surveillance technology, including facial, voice, iris, and gait-recognition software and databases; (vi) mobile DNA capture technology; (vii) gunshot detection and location hardware and services; (viii) x-ray vans; (ix) video and audio monitoring or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras; (x) surveillance enabled or capable lightbulbs or light fixtures; (xi) tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network; (xii) social media monitoring software; (xiii) through-the-wall radar or similar imaging technology; (xiv) passive scanners of radio networks; (xv) long-range Bluetooth and other

27 wireless-scanning devices; (xvi) radio-frequency I.D. (RFID) scanners; and (xvii) software designed to
28 integrate or analyze data from surveillance technology, including surveillance target tracking and
29 predictive policing software. The enumeration of surveillance technology examples in this subsection shall
30 not be interpreted as an endorsement or approval of their use by any law-enforcement entity.

31 B. All localities shall provide to the Department a list of all surveillance technologies used by law-
32 enforcement agencies of the locality. The Department shall provide such information to the Joint
33 Commission on Technology and Science (the Commission). The Commission shall conduct a study, in
34 consultation with a representative from the Virginia State Crime Commission and providing opportunity
35 for public input, on the use of such surveillance technology and implications of its use, susceptibility to
36 misuse or cyberattack, and cost. The Commission shall issue a report of its findings and shall update such
37 report on an annual basis.

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