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HOUSE BILL NO. 2725

Offered January 17, 2025

A BILL to amend and reenact § 9.1-116.10 of the Code of Virginia, relating to surveillance technology reporting by state and local law-enforcement agencies and sheriff's departments.

Patron—Rasoul

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-116.10 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-116.10. Surveillance technology reporting by state and local law-enforcement agencies and sheriff's departments.

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 wireless-scanning devices; (xvi) radio-frequency I.D. (RFID) scanners; and (xvii) software designed to integrate or analyze data from surveillance technology, including surveillance target tracking and predictive policing software; and (xviii) any third-party service or third-party subscription that allows access to any form of surveillance technology or the data therefrom. The enumeration of surveillance technology examples in this subsection shall not be interpreted as an endorsement or approval of their use by any law-enforcement entity.

"Surveillance technology" does not include the following devices or hardware, software, service, or subscription, unless they have been equipped with, or are modified to become or include, surveillance technology as defined above: (a) routine office hardware, such as televisions, computers, and printers, that is in widespread use and will not be used for any surveillance-related functions; (b) parking ticket devices; (c) manually operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; (d) surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles; (e) databases not intended to store or compile surveillance data; and (f) manually operated technological devices used primarily for internal communications and not designed to surreptitiously collect surveillance data, such as radios and email systems.

B. All state and local law-enforcement agencies and sheriff's departments shall provide to the Department a list of all surveillance technologies used, accessed, or procured by such agencies and departments during the previous fiscal year on an annual basis by November 1 of each year. The list shall include (i) all surveillance technologies used, accessed, or procured where the agency or department is the owner, user, or licensee and (ii) all surveillance technologies used or accessed where the owner or licensee is a separate law-enforcement agency, sheriff's department, government agency or department, or private business, entity, or individual. The Department shall also provide such information to the Virginia State Crime Commission and the Joint Commission on Technology and Science by December 1 of each year.