



***CITY OF EASTHAMPTON***  
**OFFICE OF THE CITY COUNCIL**

Easthampton Municipal Building  
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**City of Easthampton, Massachusetts**

**A RESOLUTION**

**Calling for the passage of H.135 and S.47, An Act to Regulate Face Surveillance,  
by the Massachusetts State Legislature**

- WHEREAS, the City Council of the City of Easthampton unanimously approved an ordinance banning the city's use of facial recognition technology in July of 2020; and
- WHEREAS, that ban applies to all city agencies; and
- WHEREAS, in December 2020, Governor Baker signed into law Chapter 253 of the Acts of 2020, which contains several provisions pertaining to government agencies' use of facial recognition technology; and
- WHEREAS, the existing law only regulates facial recognition technology as used by law enforcement agencies; and
- WHEREAS, the existing law neither prohibits nor regulates the use of the technology by non-police entities, like those with authority over schools and public transportation; and
- WHEREAS, the existing law does not prohibit or regulate the use of facial recognition technologies for purposes of surveillance of public spaces like streets and parks; and
- WHEREAS, the existing law does not restrict which public agencies can acquire and possess a facial recognition system other than naming the State Police and Registrar of Motor Vehicles; and
- WHEREAS, when it comes to facial recognition searches, the existing law merely requires that law enforcement shows a search is "relevant and material" to an investigation of any type of crime; and
- WHEREAS, the existing law does not provide any due process protections for persons identified by facial recognition systems; and
- WHEREAS, the existing law does not provide any enforcement mechanism to ensure compliance with the law; and
- WHEREAS, the existing law only regulates facial recognition and does not mention or provide protections governing other remote biometric recognition technologies that are as risky and harmful as facial recognition; and
- WHEREAS, the Massachusetts State Legislature is currently considering H.135, An Act To Regulate Face Surveillance, sponsored by Representatives David Rogers and Orlando Ramos, and S.47, An Act To Regulate Face Surveillance, sponsored by Senator Cynthia Creem; and

WHEREAS, this legislation would lead to a standard of regulation for the Commonwealth which is more closely in keeping with the standard set by our ordinance,

NOW THEREFORE BE IT RESOLVED that the Easthampton City Council recommends that the Massachusetts State Legislature pass H.135 and S.47 and that the act be signed into law by Governor Baker.

BE IT FURTHER RESOLVED that the city clerk shall cause a copy of this resolution to be sent to State Representative Daniel Carey, State Senator John Velis and Governor Charlie Baker.

Approved by the Easthampton City Council this 4<sup>th</sup> day of August, 2021.

DocuSigned by:  
*Margaret Conniff*

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*Erin A. Heul*

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*Lindsey Potuschna*

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