

2011 “Biometric and Social Security Religious Exemption Act”

Provided by the “Stop REAL ID Coalition”

INTRODUCTION and SUMMARY of SECTIONS

The (name of State) Oklahoma driver license uses both facial recognition and fingerprint biometrics (if applicable). Biometrics enrolls U.S. citizens into an international system of identification and financial control over which there is no constitutional authority.

Biometric ID is being used all over the world, creating a global monopoly of power and control, and as such its use violates our First, Fourth and Tenth Amendment rights. This technology is based on international standards so personal-biometric information can be shared globally. The use of biometrics is creating a global surveillance society.

Biometrics is commonly used with RFID devices capable of storing and transmitting personal-biometric data, and in many places, these devices are being installed on humans. For these reasons, many people have strong religious objections to biometrics, global information sharing and RFID devices. These people have undeniable constitutional rights and rights under state law that requires the State to provide an exemption.

Therefore, this legislation will provide a religious exemption that will:

- Prevent the use of biometric identification, for noncommercial driver licenses and ID cards. No fingerprinting and no facial recognition.**
- Use lower resolution photographs that will not inhibit the work of law enforcement, but are incompatible with facial recognition.**
- Remove Social Security numbers from the driver license database after the numbers have been used for child support enforcement.**
- Protect constitutional rights.**
- Prevent the use of RFID devices, or similar devices, for driver licenses or ID cards.**
- Provide adequate funding for the (DMV) and the Department of Human Services for the execution of their duties**

CHANGES TO EXISTING LAW

Each state must summarize the changes to existing law and prepare such a summary for committee hearings, in addition to the detailed summary of proposed legislation. Please see examples of these areas of potential change, in the proposed legislation.

SECTION 6. NEW LAW

- **Section 1.A.**

Implementation date and requires driver license/ID card vendor to meet requirements of section

- **Section 1.B.1-4**

Definitions

1. Defines biometrics
2. Defines Class D driver license
3. Defines Identification card
4. Defines Exemption
5. Defines "Signed the Exemption"

- **Section 1.C.**

Exemption language

- **Section 1.D.1-4**

Exemption applicant shall not have to provide biometric data (algorithm to make biometric comparisons, biometric sample (fingerprint, high-resolution photo, etc.) biometric template (template for converting biometric sample into biometric data) and, regarding exemption applicants, after implementation date, the Department of Public Safety shall:

1. Cease making biometric comparisons
2. Cease collecting fingerprint images
3. Permanently delete biometric fingerprint data, samples & templates from databases

4. Permanently delete Social Security numbers from databases and thereafter, within seventy two (72) hours of Class D driver license application or identification card application, provide Social Security numbers to the Department of Human Services and then delete from the numbers from the database

- **Section 1.E.1-5**

Specifies requirements for new facial image collection

1. Resolution - Pixel count of image – (Provides a good image for visual identification but is incompatible with facial recognition) Regarding the lower resolution, Oklahoma Department of Public Safety spokesman David Beatty said “It provides an image which, though not as clear as the current image, would be useful for visual identification from the driver license and ID card.” (May 7th, 2008)
2. Image stored in separate database
3. Image collected using white background
4. Image not to be collected using blue background so lower resolution images are easily distinguished from previously collected higher resolution images
5. Only one (1) facial image can be collected after implementation date. New facial image collected for renewal requires deleting previously collected image, obtained after implementation date. The use of 3-D facial recognition with public surveillance is possible with the collection of multiple facial images. It is therefore necessary to prevent the collection of multiple images.

- **Section 1.F.1-7**

Specifies what the act does not prevent:

1. Collection of biometric data relating to serious traffic offenses or physical arrest
2. Compliance with TSA regulations for hazmat endorsements of CDL
3. Collection of Social Security number for CDL
4. Requesting and receiving motor vehicle or driver license records, but limits sharing of facial image to one image, one name and one record – Access restriction needed to prevent

access to database by another entity, such as the federal government, for the purpose of facial recognition searches

5. Administering Sex Offenders Registration Act

6. The collection of compliant facial image by Driver Examiners to be used by agent to verify that the same person that was before the Examiner is the same person being issued a Class D driver license or identification card

7. Performance of lawful duties by Motor license agent

- **Section 1.G.**

Protects exemption applicant from the use of RFID-RFT technologies

- **Section 1.H.**

Liability immunity for the State, the Department of Public Safety, its employees and law enforcement because of potential hardship caused by exemption

- **Section 1.I. 1-2**

To protect First Amendment religious rights and to prevent additional burden on religious freedom by existing use of biometrics until act is implemented (2000 OK Religious Freedom Restoration Act – Sen. Pruitt), applicants may:

1. Apply for original, renewal or replacement Class D driver license or ID card without having to provide fingerprints
2. Apply for renewal or replacement Class D driver license or ID card without having to submit to new facial image collection provide a new photo subject to additional biometric comparisons

- **Section 2.**

Sets effective date (applicable for subsection 1.I) and implementation date