

**SENATE . . . . . No. 963**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Moore, Richard (SEN)**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

**An Act Limiting the Implementation of Real ID**

PETITION OF:

NAME:

Moore, Richard (SEN)

DISTRICT/ADDRESS:

Worcester and Norfolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT LIMITING THE IMPLEMENTATION OF REAL ID.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Title

2    This act shall be known and may be cited as the Massachusetts REAL ID Act.

3           SECTION 2. Definitions

4    For the purposes of this section the following words shall have the following meanings:

5    “Biometric data.” Information relating to a biological characteristic of an individual that makes  
6    that individual unique from any other individual, including, but not limited to, the following:

7    (1)    Fingerprints, palm prints and other means for measuring or recording ridge pattern or  
8    fingertip characteristics;

9    (2)    Facial feature pattern characteristics;

10   (3)    Behavior characteristics of a handwritten signature, such as shape, speed, pressure, pen  
11   angle or sequence;

12 (4) Voice data used for comparing live speech with a previously created speech model of an  
13 individual's voice;

14 (5) Iris recognition data containing color or texture patterns or codes;

15 (6) Keystroke dynamics, measuring pressure applied to key pads;

16 (7) Hand geometry, measuring hand characteristics, including the shape and length of  
17 fingers, in three dimensions;

18 (8) Retinal scans, reading through the pupil to measure blood vessels lining the retina;

19 (9) Deoxyribonucleic acid or ribonucleic acid.

20 "Economic privacy." The privacy of an individual that relates to a right, privilege or reasonable  
21 expectation that certain information is required by law to be held confidential or is otherwise  
22 considered to be confidential to that individual, including, but not limited to:

23 1) Information included in a tax return required by law to be filed with the Federal, State, or  
24 local government;

25 2) Information on financial transactions conducted by or on behalf of the individual;

26 3) Information of investment transactions conducted by or on behalf of the individual.

27 "REAL ID Act of 2005." Division B of the Emergency Supplemental Appropriations Act for  
28 Defense, the Global War on Terror and Tsunami Relief, 2005 (Public Law 109-13, 119 Stat.  
29 302).

30 SECTION 3. Participation in the REAL ID Act of 2005.

31 Neither the Governor nor the Executive Office of Transportation, or any other agency within the  
32 Commonwealth shall participate in the compliance of any provision of the REAL ID Act of 2005  
33 until the Department of Homeland Security expressly guarantees, through adequately defined  
34 safeguards, that implementation of the REAL ID Act of 2005 will not compromise the economic  
35 privacy or biometric data of any resident of the Commonwealth. The provisions of the REAL ID  
36 Act of 2005 shall not be implemented until all costs of implementation, aside from those  
37 necessary for routine improvements, have been met through Federal funding.

38 SECTION 4. Legal challenge.

39 Either the Governor or the Attorney General may file an action in a court of competent  
40 jurisdiction to challenge the constitutionality or legality of the REAL ID Act of 2005.

41 SECTION 5. Effective date.

42 This act shall take effect upon passage.