

SENATE No. 963

The Commonwealth of Massachusetts

In the Year Two Thousand 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
6 makes that individual unique from any other individual, including, but not limited to, the
7 following:

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

10 (2) Facial feature pattern characteristics;

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

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

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

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

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

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

21 (9) Deoxyribonucleic acid or ribonucleic acid.

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

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

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

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

30 “REAL ID Act of 2005.” Division B of the Emergency Supplemental Appropriations
31 Act for Defense, the Global War on Terror and Tsunami Relief, 2005 (Public Law 109-13, 119
32 Stat. 302).

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

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

42 SECTION 4. Legal challenge.

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

45 SECTION 5. Effective date.

46 This act shall take effect upon passage.