



SENATE BILL 182: Automatic License Plate Readers

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2015-2016 General Assembly

Committee:	Senate Judiciary II	Date:	April 22, 2015
Introduced by:	Sens. McKissick, Barefoot, Daniel	Prepared by:	Bill Patterson Committee Counsel
Analysis of:	PCS to First Edition S182-CSTG-15		

SUMMARY: The PCS for Senate Bill 182 would regulate the use by law enforcement agencies of automatic license plate reader systems. The PCS would permit data obtained by such a system to be preserved for more than 90 days if it is needed to prove a violation of a motor carrier safety regulation.

CURRENT LAW: The use of automatic license plate reader systems by State or local law enforcement agencies is not currently regulated.

BILL ANALYSIS: Section 1 of the PCS would add a new Article 3D to Chapter 20 of the General Statutes governing a law enforcement agency's use of an automatic license plate reader system, defined as "[a] system of one or more mobile or fixed automated high speed cameras used in combination with computer algorithms to convert images of license plates into computer readable data," but excluding traffic control photographic systems as defined by statute.¹

Under new Article 3D, a State or local law enforcement agency would be required to adopt a written policy governing the use of such a system before it is operational, addressing the following subjects:

- Databases used to compare data obtained by the system
- Data retention and sharing of data with other law enforcement agencies
- System operator training
- Supervision of system use
- Data security and access
- Annual or more frequent audits and reports of system use and effectiveness to the head of the agency operating the system
- Any other subjects related to the agency's use of the system

The agency would not be permitted to preserve data obtained by an automatic license plate reader system for more than 90 days unless the data has intelligence or investigatory value, is or may become evidence in a criminal action, or is needed to prove a violation of a motor carrier safety regulation. In that event the agency would be required document the permitted basis upon which the data was preserved for more than 90 days, identifying the specific case and parties involved.

Data obtained by the system would be confidential and not a public record, and could not be disclosed except in response to a written request from a federal, State or local law enforcement agency for a legitimate law enforcement or public safety purpose.

EFFECTIVE DATE: This act becomes effective December 1, 2015.

¹ A traffic control photographic system is defined in G.S. 160-300.1(a) as "an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control device to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control statute or ordinance."

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