



SENATE BILL 182: Automatic License Plate Readers

2015-2016 General Assembly

Committee:	Judiciary IV, if favorable, Rules, Calendar, and Operations of the House	Date:	July 15, 2015
Introduced by:	Sens. McKissick, Barefoot, Daniel	Prepared by:	Kelly Tornow Committee Counsel
Analysis of:	PCS to Third Edition S182-CSTH-35		

SUMMARY: *The PCS for Senate Bill 182 would regulate the use by law enforcement agencies of automatic license plate reader systems.*

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

BILL ANALYSIS:

Regulation of automatic license plate readers. 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

Preservation and disclosure of data. The PCS would prohibit preservation of the captured data for more than 90 days, except pursuant to a preservation request or search warrant.

Upon written request of a law enforcement agency, the custodian of captured plate data from an automatic license plate reader system would be required to take all necessary steps to preserve captured plate data. A requesting agency would have to specify in a written, sworn statement all of the following:

- The location of the particular camera or cameras for which captured plate data must be preserved and the particular license plate for which captured plate data must be preserved.

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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Senate Bill 182

Page 2

- The date and time frames for which captured plate data must be preserved.
- Specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing persons investigation or is needed to prove a violation of a motor carrier safety regulation.
- The case and identity of the parties involved in that case.

After one year from the date of the initial preservation request, the captured plate data must be destroyed according to the custodian's data retention policy unless the custodian of that data receives another preservation request, which would reset the 60-day time frame.

Captured data would be confidential and not a public record. Data could only be disclosed to a federal, State, or local law enforcement agency for a legitimate law enforcement or public safety purpose.

EFFECTIVE DATE: This act would become effective December 1, 2015.

Bill Patterson and Wendy Graf Ray, Staff Attorneys with the Research Division, substantially contributed to this summary.