

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 93:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding law enforcement officers and agencies, so as to prohibit law
3 enforcement from retaining license plate data obtained from automated license plate
4 recognition systems beyond a certain period; to provide for definitions; to provide for the
5 exchange of data obtained from license plate recognition systems by law enforcement; to
6 provide for criminal penalties for misuse of captured license plate data; to provide for
7 policies; to provide for Georgia Crime Information Center auditing; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
12 provisions regarding law enforcement officers and agencies, is amended by adding a new
13 Code section to read as follows:

14 "35-1-20.

15 (a) As used in this Code section, the term:

16 (1) 'Automated license plate recognition system' means one or more high-speed cameras
17 combined with computer algorithms used to convert images of license plates into
18 computer readable data.

19 (2) 'Captured license plate data' means the global positioning device coordinates, date
20 and time, photograph, license plate number, and any other data captured by or derived
21 from an automated license plate recognition system or any other source.

22 (3) 'Law enforcement agency' means the Department of Public Safety, the Department
23 of Transportation, and any other state, local, public transit, school, college, or university
24 agency that is responsible for the prevention and detection of crime, local government
25 code enforcement, and the enforcement of penal, traffic, toll violation, regulatory, game,
26 or controlled substance laws.

27 (4) 'Law enforcement purpose' means the investigation of an offense or activity attributed
28 to a case number assigned by a law enforcement agency.

29 (5) 'Person' means an individual, corporation, company, partnership, firm, association,
30 joint venture, or any other unincorporated association or group.

31 (b) Law enforcement agencies may collect captured license plate data. Such data shall be
32 stored immediately upon collection and not accessed except for a law enforcement purpose.
33 All such data collected shall be destroyed no later than 90 days after such data were
34 originally collected unless such data are the subject matter of a toll violation or for a law
35 enforcement purpose.

36 (c) Law enforcement agencies may exchange captured license plate data with other law
37 enforcement agencies for law enforcement purposes.

38 (d)(1) Any person who knowingly requests, uses, obtains, or attempts to obtain captured
39 license plate data of a law enforcement agency under false pretenses or for any purpose
40 other than for a law enforcement purpose shall for each such offense, upon conviction
41 thereof, be fined not more than \$5,000.00 or imprisoned for not more than two years, or
42 both.

43 (2) Nothing in this Code section shall be construed to preclude a law enforcement agency
44 from contracting with a person to hold and maintain captured license plate data for such
45 law enforcement agency; provided, however, that such person shall be subject to the
46 policies of the law enforcement agency, paragraph (1) of this subsection, and
47 subsection (f) of this Code section.

48 (e) Any law enforcement agency deploying an automated license plate recognition system
49 shall maintain policies for the use and operation of such system, including but not limited
50 to policies for the training of law enforcement officers in the use of captured license plate
51 data consistent with this Code section.

52 (f) The Georgia Crime Information Center shall, when periodically conducting audits of
53 crime reporting practices of criminal justice agencies pursuant to paragraph (4) of
54 subsection (a) of Code Section 35-3-33, conduct performance audits on the use of captured
55 license plate data consistent with this Code section.

56 (g) Captured license plate data collected by a law enforcement agency shall not be subject
57 to public disclosure pursuant to Article 4 of Chapter 18 of Title 50."

58 **SECTION 2.**

59 All laws and parts of laws in conflict with this Act are repealed.