

SENATE BILL NO. 250

BY SENATOR JOHNS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 44:4.1(B)(19) and to enact Part II-A of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 32:46, relative to motor vehicles and traffic regulation; to create the Statewide Motor Vehicle Theft and Uninsured Motorists Identification Program; to provide relative to a pilot program using automatic license plate recognition systems to identify stolen vehicles and uninsured motorists; to provide definitions; to provide penalties; to provide for certain prohibitions; to provide for an exception from the Public Records Law; to provide for reporting; to provide a termination date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-A of Chapter 1 of Title 32 of the Louisiana Revised Statutes of 1950, comprised of R.S. 32:46, is hereby enacted to read as follows:

PART II-A. STATEWIDE MOTOR VEHICLE THEFT AND UNINSURED

MOTORISTS IDENTIFICATION PROGRAM

§46. Pilot program; Statewide Motor Vehicle Theft and Uninsured Motorists

Identification Program

A. The Legislature of Louisiana recognizes the critical need for the criminal justice system to be able to reduce the incidence of crimes involving motor vehicle theft and uninsured motorists, which adversely affect public

1 safety and the finances of both the state and individuals. The legislature also
2 acknowledges that there is a need for the identification of persons committing
3 those crimes by the most expeditious means available in order to detect and
4 prevent both motor vehicle theft and the operation of motor vehicles on
5 Louisiana highways by uninsured motorists and to ensure compliance with
6 local, state, and federal laws. Technology can be of great assistance in ensuring
7 public safety, and the criminal justice system should be permitted to utilize such
8 technology in deterring motor vehicle theft and in the identification of
9 uninsured motorists. Accordingly, the legislature hereby creates a pilot
10 program to be known as the State Motor Vehicle Theft and Uninsured
11 Motorists Identification Program.

12 B. The pilot program created by this Section shall be implemented and
13 administered solely by the participating law enforcement agencies. The sheriff's
14 office in each parish of the state, in cooperation with that parish's district
15 attorney's office, is authorized to participate in the pilot program by entering
16 into an agreement to participate with appropriate agencies and other entities
17 in each jurisdiction. In order to implement this pilot program, the use of
18 technology and software to aid in detection of offenses involving motor vehicle
19 theft and uninsured motorists is necessary and desirable, and, in order to
20 effectuate the program, participating law enforcement agencies shall have the
21 authority to enter into contractual agreements with other entities.

22 C.(1) The use of an automatic license plate recognition system utilizing
23 individual automatic license plate reader system units is authorized for those
24 law enforcement agencies participating in the pilot program, as well as other
25 entities with which those participating law enforcement agencies contract in
26 order to implement and operate the pilot program.

27 (2) An authorized user under this Subsection may use an automated
28 license plate recognition system only for the official and legitimate purposes of
29 the user's employer.

30 D. For purposes of this Section:

1 (1) "Active data" means data uploaded to an individual automatic
2 license plate reader system unit before operation, as well as data gathered
3 during the operation of an automated license plate reader system unit.

4 (2) "Authorized user" means an employee of the participating law
5 enforcement agency or an employee of the other entity authorized by that entity
6 to use the system for a legitimate purpose.

7 (3) "Automatic license plate recognition system" means a system of one
8 or more mobile or fixed high-speed cameras combined with computer
9 algorithms to convert images of registration plates into computer-readable data.
10 This definition does not include a traffic camera as referenced in R.S. 32:393(I).

11 (4) "Captured plate data" means the global positioning system
12 coordinates, date and time, photograph, license plate number, and any other
13 data captured by or derived from an automatic license plate recognition system
14 and includes both historical and active data.

15 (5) "Historical data" means any data collected by an individual
16 automatic license plate reader system unit and stored in a database.

17 (6) "Law enforcement agency", except as provided in Paragraph (10) of
18 this Subsection, includes the district attorney's office of any parish, the sheriff's
19 office of any parish, the police department of any municipality, the attorney
20 general's office, the Department of Public Safety and Corrections, office of state
21 police and office of motor vehicles, and the Department of Wildlife and
22 Fisheries.

23 (7) "Legitimate purpose", for law enforcement agencies, means access
24 to collected data for the investigation, detection, analysis, or enforcement of the
25 law regarding a criminal offense.

26 (8) "Legitimate purpose", for the entities that are a party to an
27 agreement or contract with the participating law enforcement agencies, includes
28 the collection and storage of data to assist the participating law enforcement
29 agency in developing, utilizing, and managing the pilot program.

30 (9) "Other entity" means an entity with which a participating law

1 enforcement agency contracts to implement and administer the pilot program.

2 (10) "Participating law enforcement agency" means the law enforcement
3 agency operating the pilot program and is limited to the respective sheriff's
4 offices and district attorney's offices in the pilot program parishes.

5 (11) "Pilot program" or "program" means the State Motor Vehicle
6 Theft and Uninsured Motorists Identification Program.

7 E. A central database for the collection, storage, and dissemination of
8 data captured by an automatic license plate recognition system shall be
9 established and operated by participating law enforcement agencies, which
10 database shall be located in a secure area.

11 (1) The central database shall fully comply with all National Law
12 Enforcement Telecommunications System (Nlets) and Federal Bureau of
13 Investigation hosting and security standards.

14 (2) Access to the database shall be restricted to authorized law
15 enforcement agency users in the pilot program and to any entities with whom
16 the participating law enforcement agencies contract to establish and operate the
17 program.

18 F. To accomplish the purposes of the pilot program, the Department of
19 Public Safety and Corrections, public safety services, shall allow access to the
20 vehicle registration and compulsory motor vehicle insurance databases to be
21 used only in connection with the automatic license plate recognition system
22 established pursuant to this Part. The Department of Public Safety and
23 Corrections, public safety services, shall allow access to the data from the
24 databases in accordance with a memorandum of understanding to be executed
25 between the Department of Public Safety and Corrections, sheriffs, and district
26 attorneys in the state.

27 G. The automatic license plate recognition system may be used by a law
28 enforcement officer or other authorized user employed by a participating law
29 enforcement agency in the jurisdictions of the pilot program as follows:

30 (1) If a law enforcement officer, by using this system, is able to determine

1 that a motor vehicle is stolen or that the owner of a motor vehicle lacks the
2 compulsory insurance required by R.S. 32:861, through the process of accessing
3 information from the central database referred to in Subsection E of this
4 Section, that determination shall constitute probable cause to arrest the
5 operator of the stolen motor vehicle or to issue a citation to the owner of the
6 motor vehicle for the compulsory insurance violation.

7 (2) A law enforcement officer may verify by sworn affidavit that a
8 photograph generated by an automatic license plate reader system unit
9 identifies a particular vehicle operating on a public highway and that the
10 database shows that the vehicle was uninsured or stolen at the time such vehicle
11 was being operated. The affidavit shall constitute probable cause for
12 prosecution under any applicable state law.

13 H. Data collected or retained through the use of an automated license
14 plate recognition system pursuant to this program may be retained by a law
15 enforcement agency for not more than sixty days, except when the data is being
16 used as evidence of a violation of the compulsory motor vehicle insurance law
17 or for felonies being investigated, including but not limited to motor vehicle
18 theft, homicide, kidnapping, and burglary, or for the purpose of AMBER Alerts
19 and Blue Alerts.

20 I.(1) Data collected or retained through the use of an automated license
21 plate recognition system shall not be used by any individual or agency for
22 purposes other than law enforcement.

23 (2) No law enforcement agency or other entity authorized to operate
24 under this program shall sell captured plate data for any purpose or share it for
25 any purpose not expressly authorized by this Section.

26 (3) A participating law enforcement agency may provide data to another
27 law enforcement agency, as defined in Subsection D of this Section, upon
28 written request of the other law enforcement agency when that agency is
29 engaged in an ongoing investigation or prosecution of a felony offense.

30 (4) Any and all data collected, retained, or shared through the use of an

1 automated license plate recognition system, except data retained as evidence of
 2 a violation of compulsory motor vehicle insurance law or a felony being
 3 investigated, shall be exempt from the Public Records Law.

4 (5) Under no circumstances shall the Statewide Motor Vehicle Theft and
 5 Uninsured Motorists Identification Program authorized by this Act be used for
 6 civil traffic enforcement purposes.

7 (6) Any person who violates any provision of this Subsection may be
 8 imprisoned for not more than six months, or fined not more than one thousand
 9 dollars, or both.

10 J. The provisions of this Part shall apply only to law enforcement
 11 agencies, other entities, and authorized users and shall not apply to or be
 12 construed or interpreted in a manner to prohibit the use of any other automated
 13 license plate recognition system by an individual or private legal entity for
 14 purposes not otherwise prohibited by law.

15 K. On or before January 15, 2016, and annually thereafter, the
 16 Department of Public Safety and Corrections shall submit a written report
 17 concerning the program to the Senate and House Select Committees on
 18 Homeland Security. The report shall comprise an evaluation of program
 19 operations, and may include any information and recommendations for
 20 improvement of the program deemed appropriate by the secretary of the
 21 department.

22 L. The provisions of this Part shall terminate and be null, void, and
 23 without effect on and after January 1, 2021.

24 Section 2. R.S. 44:4.1(B)(19) is hereby amended and reenacted to read as follows:

25 §4.1 Exceptions

26 * * *

27 B. The legislature further recognizes that there exist exceptions, exemptions,
 28 and limitations to the laws pertaining to public records throughout the revised
 29 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
 30 limitations are hereby continued in effect by incorporation into this Chapter by

1 citation:

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3 (19) R.S. 32:46, 398, 707.2, 1254

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____