E4, P1 4lr2874 CF HB 289

By: Senators Shank, Raskin, Hershey, Jacobs, Muse, Ramirez, Reilly, Simonaire, Stone, and Young

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

## A BILL ENTITLED

AN ACT concerning 1

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## Automatic Motor Vehicle Registration Plate Readers and Captured Plate Data - Authorized Uses

4 FOR the purpose of prohibiting a person from using an automatic motor vehicle registration plate reader system, subject to a certain exception for a law enforcement agency for certain purposes; prohibiting a law enforcement agency from sharing captured plate data for other than certain purposes, subject to a certain exception; prohibiting a law enforcement agency from retaining captured plate data for more than a certain period of time and requiring the law 10 enforcement agency to destroy the captured plate data after that time period, subject to a certain exception for a certain purpose; requiring a law enforcement 12 agency that retains captured plate data for more than the time period allowed under this Act to destroy the captured plate data at the conclusion of certain 13 activity or proceedings; altering the definition of "covert investigation" to 15 include the use of an automatic registration plate reader system for purposes of 16 expanding the application of the prohibition against a law enforcement agency conducting a covert investigation of certain persons engaged in First 18 Amendment activities; requiring a custodian of captured plate data collected by 19 an automatic registration plate reader system to deny inspection of the captured plate data, subject to certain exceptions; defining certain terms; and generally 21relating to the authorized uses of automatic motor vehicle registration plate 22 reader systems and captured plate data.

23 BY adding to

Article - Public Safety 24

25 Section 3-509

26 Annotated Code of Maryland

27 (2011 Replacement Volume and 2013 Supplement)

28 BY repealing and reenacting, without amendments,



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$\frac{1}{2}$	Article – Public Safety Section 3–701(a)(1) and (c)							
$\frac{3}{4}$	Annotated Code of Maryland (2011 Replacement Volume and 2013 Supplement)							
$\frac{5}{6}$	BY repealing and reenacting, with amendments, Article – Public Safety							
7	Section 3–701(a)(3)							
8 9	Annotated Code of Maryland (2011 Replacement Volume and 2013 Supplement)							
10 11	BY repealing and reenacting, without amendments, Article – State Government							
$\frac{11}{12}$	Section 10–616(a)							
13	Annotated Code of Maryland							
14	(2009 Replacement Volume and 2013 Supplement)							
15	BY adding to							
16	Article – State Government							
17 18	Section 10–616(w) Annotated Code of Maryland							
19	(2009 Replacement Volume and 2013 Supplement)							
20 21	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:							
22	Article - Public Safety							
23	3–509.							
24	(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE							
25	MEANINGS INDICATED.							
26	(2) "AUTOMATIC REGISTRATION PLATE READER SYSTEM" MEANS							
27	A SYSTEM OF ONE OR MORE MOBILE OR FIXED AUTOMATED HIGH-SPEED							
28	CAMERAS USED IN COMBINATION WITH COMPUTER ALGORITHMS TO CONVERT							
29	IMAGES OF LICENSE PLATES INTO COMPUTER-READABLE DATA.							
30	(3) "CAPTURED PLATE DATA" MEANS THE GLOBAL POSITIONING							
31	SYSTEM COORDINATES, DATES AND TIMES, PHOTOGRAPHS, LICENSE PLATE							

NUMBERS, AND ANY OTHER DATA COLLECTED BY OR DERIVED FROM AN

AUTOMATIC REGISTRATION PLATE READER SYSTEM.

- 1 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT USE AN AUTOMATIC REGISTRATION PLATE
- 3 READER SYSTEM.
- 4 (2) A LAW ENFORCEMENT AGENCY MAY USE AN AUTOMATIC 5 REGISTRATION PLATE READER SYSTEM TO:
- 6 (I) PROTECT PUBLIC SAFETY;
- 7 (II) CONDUCT A CRIMINAL INVESTIGATION; OR
- 8 (III) ENSURE COMPLIANCE WITH LOCAL, STATE, OR
- 9 FEDERAL LAW.
- 10 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
- 11 SUBSECTION, A LAW ENFORCEMENT AGENCY MAY NOT USE OR SHARE
- 12 CAPTURED PLATE DATA FOR ANY PURPOSE OTHER THAN THOSE STATED IN
- 13 SUBSECTION (B)(2) OF THIS SECTION.
- 14 (2) A LAW ENFORCEMENT AGENCY MAY SHARE WITH ANOTHER
- 15 LAW ENFORCEMENT AGENCY CAPTURED PLATE DATA THAT INDICATES
- 16 EVIDENCE OF AN OFFENSE.
- 17 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
- 18 SUBSECTION, A LAW ENFORCEMENT AGENCY:
- 19 (I) MAY NOT RETAIN CAPTURED PLATE DATA FOR MORE
- 20 THAN **30** DAYS; AND
- 21 (II) SHALL DESTROY CAPTURED PLATE DATA AFTER 30
- 22 **DAYS.**
- 23 (2) (I) A LAW ENFORCEMENT AGENCY MAY RETAIN CAPTURED
- 24 PLATE DATA FOR MORE THAN 30 DAYS AS PART OF AN ONGOING CRIMINAL
- 25 INVESTIGATION.
- 26 (II) A LAW ENFORCEMENT AGENCY THAT RETAINS
- 27 CAPTURED PLATE DATA FOR MORE THAN 30 DAYS UNDER THIS PARAGRAPH
- 28 SHALL DESTROY THE CAPTURED PLATE DATA AT THE CONCLUSION OF:
- 29 1. ANY CRIMINAL INVESTIGATION THAT INVOLVED
- 30 THE CAPTURED PLATE DATA BUT DID NOT RESULT IN THE FILING OF CRIMINAL
- 31 CHARGES; OR

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THE MEANINGS INDICATED.

$\frac{1}{2}$	2. ANY LEGAL ACTION UNDERTAKEN THAT INVOLVED THE CAPTURED PLATE DATA.
3	3–701.
4	(a) (1) In this section the following words have the meanings indicated.
5 6 7 8	(3) (i) "Covert investigation" means an infiltration of or attempt to infiltrate a group or organization in a manner that conceals the identity of the law enforcement agency or the identity of an officer or agent of the law enforcement agency.
9 10 11	(ii) "Covert investigation" includes the use of an automatic registration plate reader system under § $3-509$ of this title.
12 13 14	(III) "Covert investigation" does not include the use of plainclothes officers or employees for crowd control and public safety purposes at public events.
15 16 17 18	(c) (1) A law enforcement agency may not conduct a covert investigation of a person, a group, or an organization engaged in First Amendment activities unless the chief or the chief's designee makes a written finding in advance or as soon as is practicable afterwards that the covert investigation is justified because:
19 20	(i) it is based on a reasonable, articulable suspicion that the person, group, or organization is planning or engaged in criminal activity; and
21 22	(ii) a less intrusive method of investigation is not likely to yield satisfactory results.
23 24 25	(2) Membership or participation in a group or organization engaged in First Amendment activities does not alone establish reasonable, articulable suspicion of criminal activity.
26	Article – State Government
27	10–616.
28 29	(a) Unless otherwise provided by law, a custodian shall deny inspection of a public record, as provided in this section.
30	(W) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE

1	(II)	"AUTOMATIC	REGISTRATION	<b>PLATE</b>	READER	SYSTEM"
2	HAS THE MEANING STA	TED IN § 3-509	OF THE PUBLIC	SAFET	Y ARTICL	Е.

- 3 (III) "CAPTURED PLATE DATA" HAS THE MEANING STATED 4 IN § 3–509 OF THE PUBLIC SAFETY ARTICLE.
- 5 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A CUSTODIAN OF CAPTURED PLATE DATA COLLECTED BY AN AUTOMATIC REGISTRATION PLATE READER SYSTEM SHALL DENY INSPECTION OF THE CAPTURED PLATE DATA.
- 9 (3) A CUSTODIAN MAY USE OR SHARE CAPTURED PLATE DATA IN THE COURSE OF THE CUSTODIAN'S DUTIES AS AUTHORIZED UNDER § 3–509 OF THE PUBLIC SAFETY ARTICLE.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.