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3 SENATE T&E COMMITTEE SUBSTITUTE FOR SB2  
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8 SYNOPSIS: Under existing law, law enforcement agencies  
9 of the state and subdivisions of the state are not  
10 prohibited from using license plate scanners to  
11 determine the ownership of a motor vehicle, the  
12 mileage or route traveled by a motor vehicle, the  
13 location or identity of a motor vehicle, or the  
14 identity of the occupants of the motor vehicle on  
15 public highways.

16 This bill would allow law enforcement  
17 agencies to use automated license plate recognition  
18 systems on public highways in certain  
19 circumstances.

20 This bill would provide for the  
21 confidentiality of information collected and would  
22 provide for the destruction of the information  
23 after a specified time frame.

24 This bill would prohibit a law enforcement  
25 agency from selling or providing license plate  
26 recognition data to any non-law enforcement agency.

1                   This bill would also prohibit an individual  
2                   from requesting, using, obtaining, or attempting to  
3                   obtain license plate recognition data under false  
4                   pretenses and would provide for penalties.

5                   Amendment 621 of the Constitution of Alabama  
6                   of 1901, as amended by Amendment 890, now appearing  
7                   as Section 111.05 of the Official Recompilation of  
8                   the Constitution of Alabama of 1901, prohibits a  
9                   general law whose purpose or effect would be to  
10                  require a new or increased expenditure of local  
11                  funds from becoming effective with regard to a  
12                  local governmental entity without enactment by a  
13                  2/3 vote unless: it comes within one of a number of  
14                  specified exceptions; it is approved by the  
15                  affected entity; or the Legislature appropriates  
16                  funds, or provides a local source of revenue, to  
17                  the entity for the purpose.

18                  The purpose or effect of this bill would be  
19                  to require a new or increased expenditure of local  
20                  funds within the meaning of the amendment. However,  
21                  the bill does not require approval of a local  
22                  governmental entity or enactment by a 2/3 vote to  
23                  become effective because it comes within one of the  
24                  specified exceptions contained in the amendment.

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26                                   A BILL  
27                                   TO BE ENTITLED

1 AN ACT

2  
3 Relating to automated license plate recognition  
4 systems; to provide for the limited use of automated license  
5 plate recognition systems on public highways by law  
6 enforcement agencies; to provide for the confidentiality of  
7 information collected; to provide for the destruction of  
8 information collected; to require law enforcement agencies to  
9 adopt and publish public policies relating to automated  
10 license plate recognition systems; to provide criminal  
11 penalties for certain violations; and in connection therewith  
12 would have as its purpose or effect the requirement of a new  
13 or increased expenditure of local funds within the meaning of  
14 Amendment 621 of the Constitution of Alabama of 1901, as  
15 amended by Amendment 890, now appearing as Section 111.05 of  
16 the Official Recompilation of the Constitution of Alabama of  
17 1901.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) For the purposes of this section, the  
20 following terms shall have the following meanings:

21 (1) AUTOMATED LICENSE PLATE RECOGNITION SYSTEM. A  
22 system of one or more mobile or fixed high-speed cameras  
23 combined with computer algorithms to convert images of license  
24 plates into computer-readable data.

25 (2) LAW ENFORCEMENT AGENCY. Any state, county, or  
26 municipal public agency employing sworn officers accredited by  
27 the Alabama Peace Officers' Standards and Training Commission

1 or otherwise recognized in Alabama law, that performs  
2 substantial activities relating to the identification,  
3 apprehension, prosecution, adjudication, or rehabilitation of  
4 civil, traffic, and criminal offenders, enforcing federal  
5 criminal laws or regulations, responses and prevention of  
6 terrorism, or other public safety responses.

7 (3) LAW ENFORCEMENT PURPOSE. A law enforcement  
8 action by an officer for a criminal justice purpose or actions  
9 to protect the public, including actions related to criminal  
10 investigations, arrests, prosecutions, post-conviction  
11 confinement or supervision, and protection from natural  
12 threats.

13 (4) LICENSE PLATE RECOGNITION DATA. Any data  
14 captured by or derived from an automated license plate  
15 recognition system or any other source.

16 (b) Law enforcement agencies may collect license  
17 plate recognition data for a law enforcement purpose. All  
18 license plate recognition data shall be transferred from the  
19 collection device to a secure repository maintained and  
20 controlled by that agency within 24 hours of the collection.  
21 All license plate recognition data collected shall be retained  
22 for no more than five years after the data was originally  
23 collected.

24 (c) Law enforcement agencies may exchange or share  
25 license plate recognition data with other law enforcement  
26 agencies for law enforcement purposes.

1 (d) A law enforcement agency that collects license  
2 plate recognition data shall adopt and publicize a written  
3 policy governing its use prior to it becoming operational. The  
4 policy shall address all of the following:

5 (1) The use of any database to compare license plate  
6 recognition data.

7 (2) The retention of license plate recognition data  
8 obtained.

9 (3) The exchange or sharing of license plate  
10 recognition data with another law enforcement agency.

11 (4) The training of the operators of automated  
12 license plate recognition systems.

13 (5) The access to the license plate recognition data  
14 obtained.

15 (e) Law enforcement agencies shall maintain a record  
16 of users who access automated license plate recognition  
17 systems.

18 (f) Law enforcement agencies may not sell license  
19 plate recognition data for any purpose and may not make the  
20 data available to any agency, corporation, or association that  
21 is not a law enforcement agency nor to any individual who is  
22 not a law enforcement officer.

23 (g) (1) Any individual who knowingly requests, uses,  
24 obtains, or attempts to obtain license plate recognition data  
25 under false pretenses, or for any purpose other than for a law  
26 enforcement purpose, from an automated license plate

1 recognition system operated by a law enforcement agency, upon  
2 conviction, shall be guilty of a Class C misdemeanor.

3 (2) Nothing in this section shall preclude a law  
4 enforcement agency from contracting with a third party to  
5 capture and maintain license plate recognition data. All  
6 individuals employed by the third party shall be subject to  
7 subdivision (1) and the rules adopted by the Alabama Justice  
8 Information Commission regarding access to criminal justice  
9 information.

10 (h) The information collected or stored in any  
11 database pursuant to this section is not a public record and  
12 is not subject to public disclosure under Section 36-12-40,  
13 Code of Alabama 1975.

14 (i) A law enforcement agency that uses license plate  
15 recognition data in conjunction with law enforcement data from  
16 the Federal Bureau of Investigation National Crime Information  
17 Center or the Alabama State Law Enforcement Agency shall be  
18 subject to an audit by the ALEA Criminal Justice Information  
19 Systems Division.

20 Section 2. Although this bill would have as its  
21 purpose or effect the requirement of a new or increased  
22 expenditure of local funds, the bill is excluded from further  
23 requirements and application under Amendment 621, as amended  
24 by Amendment 890, now appearing as Section 111.05 of the  
25 Official Recompilation of the Constitution of Alabama of 1901,  
26 as amended, because the bill defines a new crime or amends the  
27 definition of an existing crime.

1                   Section 3. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.