

1 SB2
2 210244-3
3 By Senators Orr, Albritton, Butler, Waggoner, Livingston and
4 Reed
5 RFD: Transportation and Energy
6 First Read: 02-FEB-21
7 PFD: 07/09/2020

1 SB2

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to automated license plate recognition
12 systems; to provide for the limited use of automated license
13 plate recognition systems on public highways by law
14 enforcement agencies; to provide for the confidentiality of
15 information collected; to provide for the destruction of
16 information collected; to require law enforcement agencies to
17 adopt and publish public policies relating to automated
18 license plate recognition systems; to provide criminal
19 penalties for certain violations; and in connection therewith
20 would have as its purpose or effect the requirement of a new
21 or increased expenditure of local funds within the meaning of
22 Amendment 621 of the Constitution of Alabama of 1901, as
23 amended by Amendment 890, now appearing as Section 111.05 of
24 the Official Recompilation of the Constitution of Alabama of
25 1901.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

7 (2) LAW ENFORCEMENT AGENCY. Any state, county, or
8 municipal public agency employing sworn officers accredited by
9 the Alabama Peace Officers' Standards and Training Commission
10 or otherwise recognized in Alabama law, that performs
11 substantial activities relating to the identification,
12 apprehension, prosecution, adjudication, or rehabilitation of
13 civil, traffic, and criminal offenders, enforcing federal
14 criminal laws or regulations, responses and prevention of
15 terrorism, or other public safety responses.

16 (3) LAW ENFORCEMENT PURPOSE. A law enforcement
17 action by an officer for a criminal justice purpose or actions
18 to protect the public, including actions related to criminal
19 investigations, arrests, prosecutions, post-conviction
20 confinement or supervision, and protection from natural
21 threats.

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

25 (b) Law enforcement agencies may collect license
26 plate recognition data for a law enforcement purpose. All
27 license plate recognition data shall be transferred from the

1 collection device to a secure repository maintained and
2 controlled by that agency within 24 hours of the collection.
3 All license plate recognition data collected shall be retained
4 for no more than five years after the data was originally
5 collected.

6 (c) Law enforcement agencies may exchange or share
7 license plate recognition data with other law enforcement
8 agencies for law enforcement purposes.

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

13 (1) The use of any database to compare license plate
14 recognition data.

15 (2) The retention of license plate recognition data
16 obtained.

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

19 (4) The training of the operators of automated
20 license plate recognition systems.

21 (5) The access to the license plate recognition data
22 obtained.

23 (e) Law enforcement agencies shall maintain a record
24 of users who access automated license plate recognition
25 systems.

26 (f) Law enforcement agencies may not sell license
27 plate recognition data for any purpose and may not make the

1 data available to any agency, corporation, or association that
2 is not a law enforcement agency nor to any individual who is
3 not a law enforcement officer.

4 (g) (1) Any individual who knowingly requests, uses,
5 obtains, or attempts to obtain license plate recognition data
6 under false pretenses, or for any purpose other than for a law
7 enforcement purpose, from an automated license plate
8 recognition system operated by a law enforcement agency, upon
9 conviction, shall be guilty of a Class C misdemeanor.

10 (2) Nothing in this section shall preclude a law
11 enforcement agency from contracting with a third party to
12 capture and maintain license plate recognition data. All
13 individuals employed by the third party shall be subject to
14 subdivision (1) and the rules adopted by the Alabama Justice
15 Information Commission regarding access to criminal justice
16 information.

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

21 (i) A law enforcement agency that uses license plate
22 recognition data in conjunction with law enforcement data from
23 the Federal Bureau of Investigation National Crime Information
24 Center or the Alabama State Law Enforcement Agency shall be
25 subject to an audit by the ALEA Criminal Justice Information
26 Systems Division.

1 Section 2. Nothing in this act shall be interpreted
2 or construed to supersede, amend, or repeal the Electronic Toll
3 Collection Act of Article 6 of Chapter 2 of Title 23, Code of
4 Alabama 1975.

5 Section 3. Although this bill would have as its
6 purpose or effect the requirement of a new or increased
7 expenditure of local funds, the bill is excluded from further
8 requirements and application under Amendment 621, as amended
9 by Amendment 890, now appearing as Section 111.05 of the
10 Official Recompilation of the Constitution of Alabama of 1901,
11 as amended, because the bill defines a new crime or amends the
12 definition of an existing crime.

13 Section 4. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Transportation and Energy..... 02-FEB-21

Read for the second time and placed on the calen-
dar with 1 substitute and..... 11-FEB-21

Read for the third time and passed as amended 25-FEB-21

Yeas 31
Nays 0

Patrick Harris,
Secretary.