

1 SB2
2 207491-1
3 By Senators Orr, Albritton, Butler, Waggoner, Livingston, Ward
4 and Reed
5 RFD: Transportation and Energy
6 First Read: 02-FEB-21
7 PFD: 07/09/2020

SYNOPSIS: Under existing law, law enforcement agencies of the state and subdivisions of the state are not prohibited from using license plate scanners to determine the ownership of a motor vehicle, the mileage or route traveled by a motor vehicle, the location or identity of a motor vehicle, or the identity of the occupants of the motor vehicle on public highways.

This bill would allow law enforcement agencies to use license plate scanners on public highways in certain circumstances.

This bill would also provide for the confidentiality of information collected and would provide for the destruction of the information after a specified time frame.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a

1 new or increased expenditure of local funds from
2 becoming effective with regard to a local
3 governmental entity without enactment by a 2/3 vote
4 unless: it comes within one of a number of
5 specified exceptions; it is approved by the
6 affected entity; or the Legislature appropriates
7 funds, or provides a local source of revenue, to
8 the entity for the purpose.

9 The purpose or effect of this bill would be
10 to require a new or increased expenditure of local
11 funds within the meaning of the amendment.
12 However, the bill does not require approval of a
13 local governmental entity or enactment by a 2/3
14 vote to become effective because it comes within
15 one of the specified exceptions contained in the
16 amendment.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 Relating to license plate scanners; to provide for
23 the limited use of license plate scanners on public highways
24 by law enforcement agencies; to provide for the confidentially
25 of information collected; to provide for the destruction of
26 information collected; to require law enforcement agencies to
27 adopt and publish public policies relating to license plate

1 scanners; to provide criminal penalties for certain
2 violations; and in connection therewith would have as its
3 purpose or effect the requirement of a new or increased
4 expenditure of local funds within the meaning of Amendment 621
5 of the Constitution of Alabama of 1901, now appearing as
6 Section 111.05 of the Official ReCompilation of the
7 Constitution of Alabama of 1901, as amended.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 (1) LICENSE PLATE SCANNER. A device, used by itself
12 or in conjunction with another device, that is principally
13 designed and primarily used for determining the ownership of a
14 motor vehicle, the mileage or route traveled by a motor
15 vehicle, the location or identity of a motor vehicle, or the
16 identity of the occupants of the motor vehicle on public
17 highways through the use of a camera or other imaging device,
18 including, but not limited to, a transponder, cellular
19 telephone, global positioning satellite, automated license
20 plate recognition system, or radio frequency device.

21 (2) CAPTURED LICENSE PLATE DATA. The global
22 positioning device coordinates, date and time, photograph,
23 license plate number, and any other data captured by or
24 derived from a license plate scanner or any other source.

25 (3) LAW ENFORCEMENT AGENCY. The Alabama State Law
26 Enforcement Agency, the Alabama Department of Transportation,
27 and any other federal, state, or local agency that is

1 responsible for the prevention and detection of crime and the
2 enforcement of penal, traffic, toll violation, regulatory,
3 game, or controlled substance laws.

4 (4) LAW ENFORCEMENT PURPOSE. The investigation of an
5 criminal offense or activity initiated by a law enforcement
6 agency.

7 (b) Law enforcement agencies may collect captured
8 license plate data. All captured license plate data shall be
9 stored immediately upon collection and may not be accessed
10 except for a law enforcement purpose. All captured license
11 plate data collected shall be destroyed no later than 30
12 months after the captured license plate data was originally
13 collected unless the captured license plate data is the
14 subject matter of a toll violation or for a law enforcement
15 purpose.

16 (c) Law enforcement agencies may exchange or share
17 captured license plate data with other law enforcement
18 agencies for law enforcement purposes.

19 (d) A law enforcement agency that uses a license
20 plate scanner shall do all of the following:

21 (1) Adopt and publicize a written policy governing
22 its use prior to it becoming operational. The policy shall
23 address all of the following:

24 a. The use of any database to compare data obtained
25 by the license plate scanner.

26 b. The retention of data obtained.

1 c. The sharing of the data with another law
2 enforcement agency.

3 d. The training of the operators of the license
4 plate scanner.

5 e. The access to and the security of the data
6 obtained.

7 f. Any other subjects related to the use of license
8 plate scanners by law enforcement agencies.

9 (2) Maintain a record of users who access data.

10 (e)(1) Any individual who knowingly requests, uses,
11 obtains, or attempts to obtain captured license plate data
12 under false pretenses or for any purpose other than for a law
13 enforcement purpose, upon conviction, shall be guilty of a
14 Class C misdemeanor.

15 (2) Nothing in this section shall preclude a law
16 enforcement agency from contracting with a third party to
17 maintain captured license plate data for a law enforcement
18 agency. All individuals employed by the third party shall be
19 subject to subdivision (1).

20 (f) This section does not prohibit a county or city
21 board of education from using electronic devices to detect
22 school bus violations.

23 (g) The information collected or stored in any
24 database under this section is not a public record and is not
25 subject to public disclosure under Section 36-12-40, Code of
26 Alabama 1975.

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

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