

HB0289/292216/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 289

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Motor Vehicle Registration” and substitute “License”; strike beginning with “prohibiting” in line 4 down through “exceptions;” in line 20 and substitute “prohibiting a law enforcement agency from using captured plate data unless the agency has a legitimate law enforcement purpose; establishing certain penalties for a certain violation; requiring the Department of State Police and certain law enforcement agencies to adopt certain procedures; establishing that information gathered by an automatic license plate reader system is not subject to disclosure under the Maryland Public Information Act; requiring the Department, in conjunction with the Maryland Coordination and Analysis Center and certain law enforcement agencies, to report certain information to certain committees on or before a certain date each year; requiring the Center, in cooperation with certain entities, to develop a certain model audit policy; establishing the policy of the State;”; and in line 21, strike “motor vehicle registration” and substitute “license”.

On pages 1 and 2, strike in their entirety the lines beginning with line 28 on page 1 through line 18 on page 2, inclusive, and substitute:

“BY repealing and reenacting, without amendments,

Article – General Provisions

Section 4-304

Annotated Code of Maryland

(As enacted by Chapter (H.B. 270) of the Acts of the General Assembly of 2014)

BY adding to

Article – General Provisions

Section 4-326

(Over)

Annotated Code of Maryland
(As enacted by Chapter _____ (H.B. 270) of the Acts of the General Assembly of
2014”).

AMENDMENT NO. 2

On page 2, after line 24, insert:

“(2) (I) “ACTIVE DATA” MEANS:

1. DATA UPLOADED TO INDIVIDUAL AUTOMATIC LICENSE PLATE READER SYSTEM UNITS BEFORE OPERATION; AND

2. DATA GATHERED DURING THE OPERATION OF AN AUTOMATIC LICENSE PLATE READER SYSTEM.

(II) “ACTIVE DATA” DOES NOT INCLUDE HISTORICAL DATA.”;

in line 25, strike “(2)” and substitute “(3)”; in the same line, strike “REGISTRATION” and substitute “LICENSE”; in line 26, strike “AUTOMATED”; in line 29, strike “(3)” and substitute “(4) (I)”; in line 32, strike “REGISTRATION” and substitute “LICENSE”; and after line 32, insert:

“(II) “CAPTURED PLATE DATA” INCLUDES ACTIVE DATA AND HISTORICAL DATA.

(5) “CENTER” MEANS THE MARYLAND COORDINATION AND ANALYSIS CENTER.

(6) “HISTORICAL DATA” MEANS ANY DATA COLLECTED BY AN AUTOMATIC LICENSE PLATE READER SYSTEM AND STORED IN AN AUTOMATIC LICENSE PLATE READER DATABASE OPERATED BY THE MARYLAND COORDINATION AND ANALYSIS CENTER OR BY A LAW ENFORCEMENT AGENCY.

(7) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3-201(D) OF THIS TITLE.

(8) “LEGITIMATE LAW ENFORCEMENT PURPOSE” MEANS THE INVESTIGATION, DETECTION, OR ANALYSIS OF A CRIME OR A VIOLATION OF THE MARYLAND VEHICLE LAWS OR THE OPERATION OF TERRORIST OR MISSING OR ENDANGERED PERSON SEARCHES OR ALERTS.

(B) (1) A LAW ENFORCEMENT AGENCY MAY NOT USE CAPTURED PLATE DATA UNLESS THE AGENCY HAS A LEGITIMATE LAW ENFORCEMENT PURPOSE.

(2) AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY WHO VIOLATES THIS SUBSECTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR AND A FINE NOT EXCEEDING \$10,000 OR BOTH.

(C) (1) THE DEPARTMENT OF STATE POLICE AND ANY LAW ENFORCEMENT AGENCY USING AN AUTOMATIC LICENSE PLATE READER SYSTEM SHALL ADOPT PROCEDURES RELATING TO THE OPERATION AND USE OF THE SYSTEM.

(2) THE PROCEDURES SHALL INCLUDE:

(I) WHICH PERSONNEL IN THE CENTER OR A LAW ENFORCEMENT AGENCY ARE AUTHORIZED TO QUERY CAPTURED PLATE DATA GATHERED BY AN AUTOMATIC LICENSE PLATE READER SYSTEM;

(II) AN AUDIT PROCESS TO ENSURE THAT INFORMATION OBTAINED THROUGH THE USE OF AN AUTOMATIC LICENSE PLATE READER SYSTEM IS USED ONLY FOR LEGITIMATE LAW ENFORCEMENT PURPOSES, INCLUDING AUDITS OF REQUESTS MADE BY INDIVIDUAL LAW ENFORCEMENT AGENCIES OR AN INDIVIDUAL LAW ENFORCEMENT OFFICER; AND

(III) PROCEDURES AND SAFEGUARDS TO ENSURE THAT CENTER STAFF WITH ACCESS TO THE AUTOMATIC LICENSE PLATE READER DATABASE ARE ADEQUATELY SCREENED AND TRAINED.

(D) INFORMATION GATHERED BY AN AUTOMATIC LICENSE PLATE READER SYSTEM IS NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND PUBLIC INFORMATION ACT.

(E) ON OR BEFORE MARCH 1 OF EACH YEAR BEGINNING IN 2016, THE DEPARTMENT OF STATE POLICE, IN CONJUNCTION WITH THE CENTER AND LAW ENFORCEMENT AGENCIES THAT MAINTAIN AN AUTOMATIC LICENSE PLATE READER DATABASE, SHALL REPORT TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, THE HOUSE JUDICIARY COMMITTEE, AND THE LEGISLATIVE POLICY COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE FOLLOWING INFORMATION BASED ON DATA FROM THE PREVIOUS CALENDAR YEAR:

(1) THE TOTAL NUMBER OF AUTOMATIC LICENSE PLATE READER UNITS BEING OPERATED IN THE STATE BY LAW ENFORCEMENT AGENCIES AND THE NUMBER OF UNITS SUBMITTING DATA TO THE CENTER;

(2) THE NUMBER OF AUTOMATIC LICENSE PLATE READER READINGS MADE BY A LAW ENFORCEMENT AGENCY THAT MAINTAINS AN AUTOMATIC LICENSE PLATE READER DATABASE AND THE NUMBER OF READINGS SUBMITTED TO THE CENTER;

(3) THE NUMBER OF AUTOMATIC LICENSE PLATE READER READINGS BEING RETAINED ON THE AUTOMATIC LICENSE PLATE READER DATABASE;

(4) THE NUMBER OF REQUESTS MADE TO THE CENTER AND EACH LAW ENFORCEMENT AGENCY THAT MAINTAINS AN AUTOMATIC LICENSE PLATE READER DATABASE FOR AUTOMATIC LICENSE PLATE READER DATA, INCLUDING SPECIFIC NUMBERS FOR:

(I) THE NUMBER OF REQUESTS THAT RESULTED IN A RELEASE OF INFORMATION;

(II) THE NUMBER OF OUT-OF-STATE REQUESTS;

(III) THE NUMBER OF FEDERAL REQUESTS;

(IV) THE NUMBER OF OUT-OF-STATE REQUESTS THAT RESULTED IN A RELEASE OF INFORMATION; AND

(V) THE NUMBER OF FEDERAL REQUESTS THAT RESULTED IN A RELEASE OF INFORMATION;

(Over)

(5) ANY DATA BREACHES OR UNAUTHORIZED USES OF THE AUTOMATIC LICENSE PLATE READER DATABASE; AND

(6) A LIST OF AUDITS THAT WERE COMPLETED BY THE CENTER OR A LAW ENFORCEMENT AGENCY.

On pages 2 through 4, strike in their entirety the lines beginning with line 33 on page 2 through line 23 on page 4, inclusive.

On page 4, in line 24, strike "State Government" and substitute "General Provisions"; in line 25, strike "10-616." and substitute "4-304."; in line 26, strike "(a)"; in line 27, strike "section" and substitute "part"; after line 27, insert "4-326."; in line 28, strike "**(W)**" and substitute "**(A)**"; in the same line, strike "**(I)**"; in the same line, strike "SUBSECTION" and substitute "SECTION"; in line 30, strike "**(II)**" and substitute "**(2)**"; and in the same line, strike "REGISTRATION" and substitute "LICENSE".

On page 5, in line 1, strike "**(III)**" and substitute "**(3)**"; in line 3, strike "**(2)**" and substitute "**(B)**"; in the same line, strike "**PARAGRAPH (3)**" and substitute "SUBSECTIONS (C) AND (D)"; in line 4, strike "SUBSECTION" and substitute "SECTION"; in line 5, strike "REGISTRATION" and substitute "LICENSE"; in line 7, strike "**(3)**" and substitute "**(C)**"; after line 9, insert:

"(D) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO AN ELECTRONIC TOLL COLLECTION SYSTEM OR ASSOCIATED TRANSACTION SYSTEM OPERATED BY OR IN CONJUNCTION WITH THE MARYLAND TRANSPORTATION AUTHORITY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2015, the Maryland Coordination and Analysis Center, in cooperation with the Maryland Chiefs of Police Association and the Maryland Sheriffs Association, shall develop a model audit policy for access to and use of automatic license plate reader data.”;

and in line 10, strike “2.” and substitute “3.”.