

HOUSE BILL 289

E4, P1

4lr0351

By: **Delegates Carr, Rosenberg, Smigiel, and Waldstreicher**

Introduced and read first time: January 20, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Automatic Motor Vehicle Registration Plate Readers and Captured Plate**
3 **Data – Authorized Uses**

4 FOR the purpose of prohibiting a person from using an automatic motor vehicle
5 registration plate reader system, subject to a certain exception for a law
6 enforcement agency for certain purposes; prohibiting a law enforcement agency
7 from sharing captured plate data for other than certain purposes, subject to a
8 certain exception; prohibiting a law enforcement agency from retaining
9 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,
11 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
13 under this Act to destroy the captured plate data at the conclusion of certain
14 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
17 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
20 plate data, subject to certain exceptions; defining certain terms; and generally
21 relating to the authorized uses of automatic motor vehicle registration plate
22 reader systems and captured plate data.

23 BY adding to

24 Article – Public Safety

25 Section 3–509

26 Annotated Code of Maryland

27 (2011 Replacement Volume and 2013 Supplement)

28 BY repealing and reenacting, without amendments,

29 Article – Public Safety

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 3–701(a)(1) and (c)
2 Annotated Code of Maryland
3 (2011 Replacement Volume and 2013 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Public Safety
6 Section 3–701(a)(3)
7 Annotated Code of Maryland
8 (2011 Replacement Volume and 2013 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article – State Government
11 Section 10–616(a)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2013 Supplement)

14 BY adding to
15 Article – State Government
16 Section 10–616(w)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2013 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Public Safety**

22 **3–509.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
24 **MEANINGS INDICATED.**

25 **(2) “AUTOMATIC REGISTRATION PLATE READER SYSTEM” MEANS**
26 **A SYSTEM OF ONE OR MORE MOBILE OR FIXED AUTOMATED HIGH-SPEED**
27 **CAMERAS USED IN COMBINATION WITH COMPUTER ALGORITHMS TO CONVERT**
28 **IMAGES OF LICENSE PLATES INTO COMPUTER-READABLE DATA.**

29 **(3) “CAPTURED PLATE DATA” MEANS THE GLOBAL POSITIONING**
30 **SYSTEM COORDINATES, DATES AND TIMES, PHOTOGRAPHS, LICENSE PLATE**
31 **NUMBERS, AND ANY OTHER DATA COLLECTED BY OR DERIVED FROM AN**
32 **AUTOMATIC REGISTRATION PLATE READER SYSTEM.**

33 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
34 **SUBSECTION, A PERSON MAY NOT USE AN AUTOMATIC REGISTRATION PLATE**
35 **READER SYSTEM.**

1 **(2) A LAW ENFORCEMENT AGENCY MAY USE AN AUTOMATIC**
2 **REGISTRATION PLATE READER SYSTEM TO:**

3 **(I) PROTECT PUBLIC SAFETY;**

4 **(II) CONDUCT A CRIMINAL INVESTIGATION; OR**

5 **(III) ENSURE COMPLIANCE WITH LOCAL, STATE, OR**
6 **FEDERAL LAW.**

7 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
8 **SUBSECTION, A LAW ENFORCEMENT AGENCY MAY NOT USE OR SHARE**
9 **CAPTURED PLATE DATA FOR ANY PURPOSE OTHER THAN THOSE STATED IN**
10 **SUBSECTION (B)(2) OF THIS SECTION.**

11 **(2) A LAW ENFORCEMENT AGENCY MAY SHARE WITH ANOTHER**
12 **LAW ENFORCEMENT AGENCY CAPTURED PLATE DATA THAT INDICATES**
13 **EVIDENCE OF AN OFFENSE.**

14 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
15 **SUBSECTION, A LAW ENFORCEMENT AGENCY:**

16 **(I) MAY NOT RETAIN CAPTURED PLATE DATA FOR MORE**
17 **THAN 30 DAYS; AND**

18 **(II) SHALL DESTROY CAPTURED PLATE DATA AFTER 30**
19 **DAYS.**

20 **(2) (I) A LAW ENFORCEMENT AGENCY MAY RETAIN CAPTURED**
21 **PLATE DATA FOR MORE THAN 30 DAYS AS PART OF AN ONGOING CRIMINAL**
22 **INVESTIGATION.**

23 **(II) A LAW ENFORCEMENT AGENCY THAT RETAINS**
24 **CAPTURED PLATE DATA FOR MORE THAN 30 DAYS UNDER THIS PARAGRAPH**
25 **SHALL DESTROY THE CAPTURED PLATE DATA AT THE CONCLUSION OF:**

26 **1. ANY CRIMINAL INVESTIGATION THAT INVOLVED**
27 **THE CAPTURED PLATE DATA BUT DID NOT RESULT IN THE FILING OF CRIMINAL**
28 **CHARGES; OR**

29 **2. ANY LEGAL ACTION UNDERTAKEN THAT**
30 **INVOLVED THE CAPTURED PLATE DATA.**

1 3-701.

2 (a) (1) In this section the following words have the meanings indicated.

3 (3) (i) “Covert investigation” means an infiltration of or attempt to
4 infiltrate a group or organization in a manner that conceals the identity of the law
5 enforcement agency or the identity of an officer or agent of the law enforcement
6 agency.

7 (ii) **“COVERT INVESTIGATION” INCLUDES THE USE OF AN**
8 **AUTOMATIC REGISTRATION PLATE READER SYSTEM UNDER § 3-509 OF THIS**
9 **TITLE.**

10 (iii) “Covert investigation” does not include the use of
11 plainclothes officers or employees for crowd control and public safety purposes at
12 public events.

13 (c) (1) A law enforcement agency may not conduct a covert investigation
14 of a person, a group, or an organization engaged in First Amendment activities unless
15 the chief or the chief’s designee makes a written finding in advance or as soon as is
16 practicable afterwards that the covert investigation is justified because:

17 (i) it is based on a reasonable, articulable suspicion that the
18 person, group, or organization is planning or engaged in criminal activity; and

19 (ii) a less intrusive method of investigation is not likely to yield
20 satisfactory results.

21 (2) Membership or participation in a group or organization engaged in
22 First Amendment activities does not alone establish reasonable, articulable suspicion
23 of criminal activity.

24 **Article – State Government**

25 10-616.

26 (a) Unless otherwise provided by law, a custodian shall deny inspection of a
27 public record, as provided in this section.

28 **(W) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
29 **THE MEANINGS INDICATED.**

30 **(II) “AUTOMATIC REGISTRATION PLATE READER SYSTEM”**
31 **HAS THE MEANING STATED IN § 3-509 OF THE PUBLIC SAFETY ARTICLE.**

1 **(III) “CAPTURED PLATE DATA” HAS THE MEANING STATED**
2 **IN § 3-509 OF THE PUBLIC SAFETY ARTICLE.**

3 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
4 **SUBSECTION, A CUSTODIAN OF CAPTURED PLATE DATA COLLECTED BY AN**
5 **AUTOMATIC REGISTRATION PLATE READER SYSTEM SHALL DENY INSPECTION**
6 **OF THE CAPTURED PLATE DATA.**

7 **(3) A CUSTODIAN MAY USE OR SHARE CAPTURED PLATE DATA IN**
8 **THE COURSE OF THE CUSTODIAN’S DUTIES AS AUTHORIZED UNDER § 3-509 OF**
9 **THE PUBLIC SAFETY ARTICLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2014.