

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1398
Judiciary

(Delegate Glass, *et al.*)

Public Safety - Police Profiling - "Right-to-Carry" Permit

This bill establishes that it is *not* a legitimate law enforcement purpose to use captured vehicle license plate data that indicates the owner of the vehicle has been issued a permit to carry, wear, or transport a handgun as the sole basis to stop and question the vehicle's driver.

Fiscal Summary

State Effect: None. The bill's requirements should not affect the operations or finances of any State law enforcement agency.

Local Effect: None. The bill's requirements should not affect the operations or finances of any local law enforcement agency.

Small Business Effect: None.

Analysis

Current Law: Chapter 192 of 2014 specified procedures and protocols that a law enforcement agency must follow in connection with the operation of an "automatic license plate reader (LPR) system" and "captured plate data."

A law enforcement agency may not use captured plate data unless the agency has a "legitimate law enforcement purpose." An employee of a law enforcement agency who violates the Act's provisions is subject to maximum penalties of imprisonment for one year and/or a fine of \$10,000.

Chapter 192 defined a “legitimate law enforcement purpose” to mean the investigation, detection, or analysis of a crime or a violation of Maryland’s vehicle laws or the operation of terrorist or missing or endangered person searches or alerts. An “automatic LPR system” means a system of one or more mobile or fixed high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data. “Captured plate data” means the global positioning system coordinates, dates and times, photographs, license plate numbers, and any other data collected by or derived from an automatic LPR system, including active and historical data.

The Department of State Police and any law enforcement agency using an automatic LPR system are required to adopt procedures relating to the operation and use of the system. The procedures must include (1) an identification of Maryland Coordination and Analysis Center (MCAC) or law enforcement agency personnel who are authorized to query captured plate data gathered by an LPR system; (2) an audit process to ensure that information obtained through the use of an LPR 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 (3) procedures and safeguards to ensure that MCAC staff with access to the LPR database are adequately screened and trained.

Background: According to the LPR program [annual report](#) for calendar 2015 (the latest report available), there were 503 LPRs operated in the State, with 406 networked with MCAC. During calendar 2015, 2,375 requests for LPR data were submitted to MCAC by law enforcement agencies for a documented and specific law enforcement purpose. Of the 4,251 uniquely identified tags, 1,778 resulted in release of information to the requesting law enforcement agency.

Additional Information

Prior Introductions: HB 1345 of 2016 received a hearing in the House Judiciary Committee, but no further action was taken. HB 417 of 2015 received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Baltimore, Charles, and Montgomery counties; cities of Frederick and Havre de Grace; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2017
mm/lgc

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510