



State of Maryland
Department of State Police
Government Affairs Unit
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: March 27, 2024

BILL NUMBER: House Bill 1001 **POSITION:** Oppose

BILL TITLE: Motor Vehicles – Automated Enforcement Programs – Privacy Protections

REVIEW AND ANALYSIS

This legislation requires a law enforcement agency that operates an automated enforcement program to obtain a warrant, subpoena, or court order if the law enforcement agency needs to search the recorded images captured by the automated enforcement systems for any reason other than an appropriate traffic enforcement purpose. There is an exception for exigent circumstances. An agency shall immediately remove from its records and destroy any recorded image or associated data captured under the automated program if the image or records do not constitute evidence of a violation or all avenues of adjudication have been exhausted.

Under current law, the Department of State Police (DSP) works with our partners at the Maryland Department of Transportation for the collection of images collected by a Work Zone Speed Camera System. DSP is responsible for the review and approval of civil citations issued for violations.

House Bill 1001, by mandating that images can only be used for traffic enforcement, restricts a valid tool used by law enforcement to identify vehicles used in crimes or other offenses. Operationally, these cameras capture vehicle make and tag information. It also captures the location of the violation. The cameras do not capture the interior of the vehicle or driver. This legislation could negatively impact law enforcement agencies that may have a photo of a speeding vehicle or a vehicle running a red light near the scene of a major crime or other incident. Legitimate criminal investigations will be negatively impacted by the passage of this legislation.

House Bill 1001 requires a law enforcement agency to subpoena, obtain a warrant or court order to search its own records and recorded images from an automated enforcement program for any related investigation. This additional unprecedented step, requiring a police agency to serve a subpoena or warrant on itself, may jeopardize a timely response to a criminal investigation.

For these reasons, the Department of State Police urges the Committee to give HB 1001 an unfavorable report.