

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1081
Judiciary

(Delegate Phillips, *et al.*)

Judicial Proceedings

**Public Safety - Automatic License Plate Readers - Captured Plate Data Storage
and Upload**

This bill establishes that automatic license plate reader (LPR) historical data captured in accordance with the bill and existing law (1) is the property of the law enforcement agency; (2) may not be sold for any purpose by a law enforcement agency or vendor contracted by a law enforcement agency, as specified; (3) may not be accessed by a vendor contracted by a law enforcement agency unless access is expressly requested and authorized by the law enforcement agency; (4) may not be uploaded for any reason by the law enforcement agency or a vendor contracted by the law enforcement agency that stores the data to any other law enforcement agency or entity, regardless of whether the agency or entity is located inside or outside the State; and (5) may be uploaded to a database owned or operated by the Maryland Coordination and Analysis Center (MCAC). In addition, the bill (1) applies the existing criminal prohibition and penalty against misuse of captured LPR data, in violation of the bill and existing law, to vendors contracted by law enforcement agencies and (2) expands the procedures that must be adopted by the Department of State Police (DSP) and law enforcement agencies relating to the operation and use of LPR systems. The bill also alters the definition of “historical data” as it applies to captured LPR data provisions.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: The bill is not anticipated to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The procedures required to be adopted by DSP and law enforcement agencies relating to the operation and use of LPR systems must include procedures to (1) protect personally identifiable information and “criminal justice information” collected and stored in an LPR database and (2) certify whether an LPR system experienced a data breach and a requirement for any vendor operating a database for a law enforcement agency to report any breaches of the database, the number of employees who have access to the database, and any unauthorized releases of information. An existing requirement that the procedures include 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, is expanded to include audits of requests made by a vendor contracted by a law enforcement agency.

The definition of “historical data,” as it applies to the use of captured LPR data provisions, is modified to include LPR data stored through cloud computing. In addition, “criminal justice information” is defined to mean information relating to criminal justice collected, processed, or preserved by a law enforcement agency.

Current Law: 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 this prohibition is subject to a maximum penalty of imprisonment for one year and/or a fine of \$10,000.

DSP and any law enforcement agency using an automatic LPR system must adopt procedures relating to the operation and use of the system. The procedures must include (1) an identification of 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.

Information gathered by an automatic LPR system is not subject to disclosure under the Maryland Public Information Act.

By March 1 each year, DSP, in conjunction with MCAC and law enforcement agencies that maintain an LPR database, are required to [report](#) to the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the Legislative Policy Committee on the following information based on data from the previous calendar year: (1) the total number

of LPR units being operated in the State by law enforcement agencies and the number of LPR units submitting data to MCAC; (2) the number of LPR readings made by a law enforcement agency that maintains an LPR database and the number of readings submitted to MCAC; (3) the number of readings being retained on the database; (4) the number of requests made to MCAC and each law enforcement agency for LPR data, including specified information; (5) any data breaches or unauthorized uses of the database; and (6) a list of audits that were completed by MCAC or a law enforcement agency.

A custodian of records of captured plate data collected by an LPR system must deny inspection of the data. A custodian may only use or share such data in the course of the custodian's duties for authorized purposes as specified above. This prohibition does not apply to an electronic toll collection system or associated transaction system operated by or in conjunction with the Maryland Transportation Authority.

An "automatic license plate reader 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 LPR system, including active and historical data.

"Historical data" means any data collected by an LPR system and stored in an LPR database operated by MCAC or by a law enforcement agency.

"Legitimate law enforcement purpose" means 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.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 840 (Senator Sydnor) - Judicial Proceedings.

Information Source(s): Baltimore, Charles, Garrett, and Howard counties; City of Laurel; Town of La Plata; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2024
km/lgc Third Reader - March 27, 2024
Revised - Amendment(s) - March 27, 2024
Revised - Clarification - March 27, 2024

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