

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 1001

(Delegate Love)

Environment and Transportation

Judicial Proceedings

---

**Motor Vehicles - Automated Enforcement Programs - Privacy Protections**

---

This bill generally prohibits an “agency” (*i.e.*, a State police department, the State Highway Administration, a local police department, or another local agency that implements and operates an automated enforcement program) from accessing or using a recorded image or associated data without a warrant, subpoena, or court order unless the access or use is for an appropriate traffic enforcement purpose. An employee of an agency who knowingly violates this requirement is subject to a fine of up to \$1,000. The bill alters current statutory provisions by applying newly established standards and requirements for the use, processing, and disposal of recorded images (and associated data) to citations issued by automated enforcement systems in the State (*i.e.*, traffic control signal monitoring systems, automated railroad grade crossing enforcement systems, school bus monitoring systems, speed monitoring systems, work zone speed control systems, bus lane monitoring systems, vehicle height monitoring systems, and any other automated traffic enforcement system authorized under State law). The bill also requires a custodian of recorded images produced by certain automated enforcement systems to deny inspection of the recorded images, subject to the bill’s changes.

---

**Fiscal Summary**

**State Effect:** Although the bill is not anticipated to materially affect State finances, the bill likely has an operational impact on State law enforcement agencies, as discussed below. The Judiciary can likely handle any additional requests for warrants, subpoenas, or court orders with existing resources.

**Local Effect:** Although the bill is not anticipated to materially affect local finances, the bill likely has an operational impact on local law enforcement agencies, as discussed below.

**Small Business Effect:** Potential minimal.

---

## Analysis

**Bill Summary:** “Appropriate traffic purpose” is defined by the bill as the detection, investigation, or analysis of, or assessment or adjudication of liability for, a violation.

An agency may access and use a recorded image and associated data without a warrant, subpoena, or court order in exigent circumstances. Additionally, an employee or a contractor of an agency may access and use a recorded image and associated data (1) to audit or evaluate the accuracy of the automated enforcement system and (2) in a manner consistent with provisions of the bill requiring the removal and destruction of recorded images.

An agency must immediately remove from its records and destroy any recorded image or associated data captured under a program that (1) does not constitute evidence of a violation or (2) constitutes evidence of a violation once all the avenues or adjudication for the violation have been exhausted. Before an agency removes and destroys a recorded image or associated data, the agency may disaggregate the data for analysis purposes in a manner that does not identify the individual.

An agency that implements and operates a program must adopt procedures relating to the operation of the program. The procedures must:

- identify the personnel in the agency who are authorized to access or use recorded images and associated data produced by an automated enforcement system;
- establish an audit process to ensure that information obtained through the use of an automated enforcement system is used only for appropriate traffic enforcement purposes;
- establish procedures and safeguards to ensure that agency personnel with access to recorded images and associated data are adequately screened and trained;
- establish procedures and safeguards for the secure storage of the recorded images and associated data (*i.e.*, prior to removal and destruction); and
- establish procedures for the removal and destruction of recorded images and associated data.

Recorded images and associated data must be stored using software that is independent from (and inaccessible to) other systems and networks. An automated enforcement system must be situated and focused in a manner that (1) captures recorded images and associated data of violations and (2) to the maximum extent possible, does not capture identifying images of the driver, other drivers or vehicles, or pedestrians. An automated enforcement system may not use biometric identifying technology, including facial recognition technology.

An agency or a contractor of an agency may not sell or otherwise transfer or share recorded images and associated data with another person other than (1) a person alleged to be liable for a civil violation recorded by an automated enforcement system or (2) a court of competent jurisdiction when adjudicating liability.

**Current Law:** State law currently authorizes the use of various automated enforcement systems, including traffic control signal monitoring systems, speed monitoring systems, school bus monitoring systems, bus lane monitoring systems, vehicle height monitoring systems, and work zone speed control systems.

### *Access to Public Records*

Maryland's Public Information Act (PIA) establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. Each governmental unit that maintains public records must identify a representative whom a member of the public may contact to request a public record. The Office of the Attorney General (OAG) must post all such contact information on its website and in any *Public Information Act Manual* published by OAG.

### *Duties of Custodians*

Generally, a custodian of a public record must permit inspection of any public record at any reasonable time. A custodian must designate types of public records that are to be made available to any applicant immediately on request and maintain a current list of the types of public records that have been so designated. Each custodian must adopt reasonable rules or regulations that, consistent with PIA, govern timely production and inspection of a public record. Chapter 658 of 2021, effective July 1, 2022, requires each official custodian to adopt a policy of proactive disclosure of public records that are available for inspection under PIA, as specified.

### *Denials*

**Required Denials:** A custodian must deny inspection of a public record or any part of a public record if (1) the public record is privileged or confidential by law or (2) the inspection would be contrary to a State statute, a federal statute or regulation, the Maryland Rules, or an order of a court of record. PIA also requires denial of inspection for specified personal and confidential records and information, including, for example, personnel and student records, hospital records, specified medical and financial information, and shielded criminal and police records. Chapter 62 of 2021 specifies that a record relating to an administrative or criminal investigation of misconduct by a police officer is not a protected personnel record under PIA and requires a custodian to allow access to such records by federal and State prosecutors.

*Denials Related to Automated Enforcement Systems:* Generally, a custodian must deny inspection of recorded images produced by (1) a traffic control monitoring system (red light camera); (2) a speed monitoring system; (3) a work zone speed control system; or (4) a vehicle height monitoring system. However, a custodian must allow inspection of recorded images (1) as required by the relevant authorizing statutes; (2) by any person issued a citation, or by an attorney of record for the person; or (3) by an employee or agent of an agency in an investigation or proceeding relating to the imposition or indemnification from civil liability under the relevant statutory provisions.

**State/Local Fiscal Effect:** Under the bill, an agency is generally limited to using recorded images for *traffic enforcement purposes only*. Additionally, any recorded images or associated data captured under an automated enforcement program generally must be *immediately* removed if it does not constitute evidence of the relevant traffic violation. Although the bill authorizes an agency to access and use a recorded image and associated data with a warrant, subpoena, or court order, it is unclear whether such records would still be available given the general requirement to *immediately* remove and destroy any recorded image or associated data.

The Department of State Police and Prince George's County Police Department (PGPD) anticipate that the bill likely has an operational impact on law enforcement efforts throughout the State, as law enforcement's access to automated enforcement system recorded images is substantially limited under the bill compared to current law.

PGPD notes, for example, that automated enforcement images have been used in the past to locate suspects who committed serious crimes.

The Department of Legislative Services advises that certain provisions (*e.g.*, the removal of records within specified periods, the establishment of procedures such as an audit process) may also have a fiscal impact – specifically, there may be additional administrative costs for agencies that manage automated enforcement systems throughout the State.

The Judiciary advises that, although the bill may result in an increase for requests for a warrant, subpoena, or court order, any impact is not anticipated to significantly affect court operations.

---

### **Additional Information**

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

**Designated Cross File:** None.

**Information Source(s):** Baltimore, Harford, Howard, and Prince George's counties; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 29, 2024  
rh/ljm Third Reader - March 27, 2024  
Revised - Amendment(s) - March 27, 2024

---

Analysis by: Eric F. Pierce

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