

CHARLES E. SYDNOR III, ESQ.
Legislative District 44
Baltimore County

DEPUTY MAJORITY WHIP

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Senate Chair, Legislative Ethics

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Baltimore County Senate Delegation



James Senate Office Building
11 Bladen Street, Room 216
Annapolis, Maryland 21401
410-841-3612 · 301-858-3612
800-492-7122 Ext. 3612
Charles.Sydnor@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for Senate Bill 840
Public Safety—Automatic License Plate Readers—Captured Plate Data
February 28, 2024

Good afternoon, Chair Smith, and members of the Judicial Proceedings Committee,

Automatic license plate readers (ALPR), deployed on things like police cars, overpasses, or streetlights, capture images of vehicle license plates which are stored in law databases.¹ While ALPR can provide a vital source of information to law enforcement officers, there are few or no restrictions to protect privacy rights. While addressing ALPR privacy concerns, Justice McCullough on the Supreme Court of Virginia stated, “modern technology enables governments to acquire information on the population at an unprecedented scale.”² The ability to amass information must be curbed by adequate privacy protections. Senate Bill (“SB”) 840 provides those protections.

This legislation introduces minor, yet crucial changes to the definition of “historical data” in the Public Safety article. Under the current definition, “historical data” means any data collected by an ALPR system and stored in an automatic license plate reader database operated by the Maryland Coordination and Analysis Center or by a law enforcement agency.³ First, SB 840 introduces language to allow the database to be operated by or for the Maryland Coordination and Analysis Center, or by or for a law enforcement agency.

Additionally, this legislation adds to the definition, to include any data collected by ALPR system and stored through cloud computing. Finally, SB 840 explicitly states that captured automatic license plate data is the property of the law enforcement agency and may not be sold for any purpose.

SB 840 provides the data protection that Marylanders deserve. As such, I respectfully request a favorable report for SB 840.

¹ David Horrigan, American Bar Association, Data Privacy vs. Crime Prevention: The Automated License Plate Recognition Debate, Feb. 23, 2021.

https://www.americanbar.org/groups/tort_trial_insurance_practice/committees/automobile-litigation/data-privacy-vs-crime-prevention/

² *Neal v. Fairfax Cty: Police Dep’t*, 849 S.E. 2d 123 (2020).

³ Md. Code. Public Safety § 3-509(a)(6).