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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for Senate Bill 840
Public Safety—Automatic License Plate Readers—Captured Plate Data
April 1, 2024

Good afternoon, Chair Clippinger, and members of the Judiciary 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 delivers those protections.

This legislation introduces “criminal justice information” as a defined term. SB 840 states that “criminal justice information” means information relating to criminal justice collected, processed, or preserved by a law enforcement agency. Further, this legislation introduces a minor, yet crucial changes to the definition of “historical data” to include any data collected by ALPR system and stored (1) in an ALPR database operated by or for the Maryland Coordination and Analysis Center or by or for a law enforcement agency; or (2) through cloud computing.

SB 840 articulates that automatic license plate data captured in accordance with the section,

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, including the sale of subscriptions or licenses to access data;
3. may not be accessed by a vendor unless expressly requested and authorized;
4. may not be uploaded for any reason, including federal agencies and law enforcement agencies outside the state; and

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).

5. may be uploaded to a database owned or operated by the Maryland Coordination and Analysis Center.

SB 840 articulates that an employee of a law enforcement agency, or a vendor contracted by the law enforcement agency who violates the subsection is subject to various penalties. Further, SB 840 mandates that the Department of State Police and any law enforcement agency using ALPR systems must adopt procedures relating to the operation and use of such systems. Further, the procedures must include:

1. Procedures to protect personally identifiable and criminal justice information collected and stored in ALPR databases;
2. An audit process made by an individual agency, an individual officer, or a vendor, ensuring the SLPR system is only used for legitimate law enforcement purposes;
3. Procedures to report whether an ALPR system experienced a data breach, and the requirement for any vendor operating a database for a law enforcement agency to report (1) any breaches or unauthorized releases of information and (2) the number of employees who have access to the database.

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