



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

POSITION ON PROPOSED LEGISLATION

DATE: February 27, 2024

BILL NUMBER: House Bill 1081 **Position:** Letter of Information

BILL TITLE: Public Safety – Automatic License Plate Readers – Captured Plate Data

REVIEW AND ANALYSIS:

This legislation authorizes a law enforcement agency to use a third-party vendor to store scanned images of vehicle registration plates captured through a license plate reader (LPR) system. The data may be stored in a database operated for or by the Maryland Coordination and Analysis Center (MCAC), for or by a law enforcement agency, or cloud computing.

Under current law, the storage of collected images are limited to MCAC or a law enforcement agency-controlled database. The historical data is prohibited from being shared outside of the law enforcement arena. Third party vendors are prohibited from storing historical data for a law enforcement agency on the vendor's server. The data storage is required to be audited annually to ensure access to historical data is restricted for only a legitimate law enforcement purpose.

The original legislation passed by the General Assembly several years ago was the result of an agreement between the sponsors, the ACLU, and the Maryland Chiefs and Sheriffs. The agreement mandated that Maryland law enforcement and the MCAC must maintain control of the LPR historical data and that it could not be shared or bulk uploaded to any federal or out of state entity, including law enforcement or private vendors. The access to the data is strictly limited to a specific law enforcement investigation.

As written, HB 1081 allows a third-party vendor who contracts with a law enforcement agency to store the historical data captured by law enforcement LPRs. Unfortunately, as a consequence, the bill allows that third-party vendor to share the LPR data with non-law enforcement entities through subscription services or other means. Thereby, violating the original intent of the law.

The Department of State Police (DSP) supports the inclusion of cloud computing and services for managing a law enforcement agency's LPR Data, as long as the law enforcement agency owns the data and the vendor cannot use or sell the data or a subscription service to access the data. As technology has advanced, cloud-based services are becoming an acceptable standard to store data.

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The original legislation prohibited vendor services from storing data on behalf of law enforcement to guarantee the integrity of the data. Law enforcement agencies used physical servers on premises under their direct control to comply with the statute. DSP has concerns with the maintenance of the integrity of stored data in cloud-based services. When a third party controls the data, the law enforcement agency that contracts for the service is unable to certify in the audits, required by law, that the data was not shared or used for a non-law enforcement purpose.

The DSP met with the advocates for this legislation multiple times in an effort to develop amendments suitable to the law enforcement community and to protect the privacy and use of the records. As a result, a package of specified amendments was developed and agreed to by all of the parties concerned. If the agreed upon package of amendments are adopted, the DSP will have no objections to the legislation.