

SENATE BILL 840

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4lr1792
CF HB 1081

By: **Senator Sydnor**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 1, 2024

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Automatic License Plate Readers – Captured Plate Data Storage**
3 **and Upload**

4 FOR the purpose of altering the definition of “historical data” to include automatic license
5 plate reader data stored by cloud computing; establishing that certain captured
6 automatic license plate reader data is the property of a certain law enforcement
7 agency and may not be sold for any purpose; establishing that certain captured
8 automatic license plate reader data may be uploaded to the Maryland Coordination
9 and Analysis Center; extending a certain offense relating to license plate reader data
10 to apply to a vendor contracted by a law enforcement agency; requiring the Center
11 and certain law enforcement agencies to report the number of license plates unable
12 to be read by an automatic license plate reader during a certain time period; and
13 generally relating to automatic license plate readers.

14 BY repealing and reenacting, without amendments,
15 Article – Public Safety
16 Section 3–509(a)(1)
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Public Safety
21 Section ~~3–509(a)(6) and (b)~~ 3–509(a), (b), and (c)
22 Annotated Code of Maryland
23 (2022 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Safety

3–509.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Active data” means:

1. data uploaded to individual automatic license plate reader system units before operation; and

2. data gathered during the operation of an automatic license plate reader system.

(ii) “Active data” does not include historical data.

(3) “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.

(4) (i) “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 automatic license plate reader system.

(ii) “Captured plate data” includes active data and historical data.

(5) “Center” means the Maryland Coordination and Analysis Center.

(6) “CRIMINAL JUSTICE INFORMATION” MEANS INFORMATION RELATING TO CRIMINAL JUSTICE COLLECTED, PROCESSED, OR PRESERVED BY A LAW ENFORCEMENT AGENCY.

~~(6)~~ (7) “Historical data” means any data collected by an automatic license plate reader system and stored:

(I) in an automatic license plate reader database operated by **OR** **FOR** the Maryland Coordination and Analysis Center or by **OR FOR** a law enforcement agency; **OR**

(II) **THROUGH CLOUD COMPUTING.**

1 ~~[(7)] (8)~~ “Law enforcement agency” has the meaning stated in § 3–201(d)
2 of this title.

3 ~~[(8)] (9)~~ “Legitimate law enforcement purpose” means the investigation,
4 detection, or analysis of a crime or a violation of the Maryland vehicle laws or the operation
5 of terrorist or missing or endangered person searches or alerts.

6 (b) (1) A law enforcement agency may not use captured plate data unless the
7 agency has a legitimate law enforcement purpose.

8 **(2) AUTOMATIC LICENSE PLATE DATA CAPTURED IN ACCORDANCE**
9 **WITH THIS SECTION:**

10 **(I) IS THE PROPERTY OF THE LAW ENFORCEMENT AGENCY;**
11 **~~AND~~**

12 **(II) MAY NOT BE SOLD FOR ANY PURPOSE BY A LAW**
13 **ENFORCEMENT AGENCY OR VENDOR CONTRACTED BY A LAW ENFORCEMENT**
14 **AGENCY, INCLUDING THE SALE OF SUBSCRIPTIONS OR LICENSES TO ACCESS DATA;**

15 **(III) MAY NOT BE ACCESSED BY A VENDOR CONTRACTED BY A**
16 **LAW ENFORCEMENT AGENCY UNLESS ACCESS IS EXPRESSLY REQUESTED AND**
17 **AUTHORIZED BY THE LAW ENFORCEMENT AGENCY;**

18 **(IV) MAY NOT BE UPLOADED BY THE LAW ENFORCEMENT**
19 **AGENCY OR A VENDOR CONTRACTED BY THE LAW ENFORCEMENT AGENCY FOR ANY**
20 **REASON, INCLUDING FEDERAL AGENCIES AND LAW ENFORCEMENT AGENCIES**
21 **OUTSIDE THE STATE; AND**

22 **(V) MAY BE UPLOADED TO A DATABASE OWNED OR OPERATED**
23 **BY THE MARYLAND COORDINATION AND ANALYSIS CENTER.**

24 ~~[(2)] (3)~~ An employee of a law enforcement agency OR THE VENDOR
25 CONTRACTED BY THE LAW ENFORCEMENT AGENCY who violates this subsection is
26 subject to imprisonment not exceeding 1 year or a fine not exceeding \$10,000 or both.

27 (c) (1) The Department of State Police and any law enforcement agency using
28 an automatic license plate reader system shall adopt procedures relating to the operation
29 and use of the system.

30 (2) The procedures shall include:

31 (i) which personnel in the Center or a law enforcement agency are
32 authorized to query captured plate data gathered by an automatic license plate reader
33 system;

(II) PROCEDURES TO PROTECT PERSONALLY IDENTIFIABLE INFORMATION AND CRIMINAL JUSTICE INFORMATION COLLECTED AND STORED IN AN AUTOMATIC LICENSE PLATE READER DATABASE;

[(ii)] (III) an audit process to ensure that information obtained through the use of an automatic license plate reader 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, OR A VENDOR CONTRACTED BY A LAW ENFORCEMENT AGENCY; [and]

[(iii)] (IV) procedures and safeguards to ensure that Center staff with access to the automatic license plate reader database are adequately screened and trained; AND

(V) PROCEDURES TO REPORT WHETHER AN AUTOMATIC LICENSE PLATE READER SYSTEM EXPERIENCED A DATA BREACH AND A REQUIREMENT FOR ANY VENDOR OPERATING A DATABASE FOR A LAW ENFORCEMENT AGENCY TO REPORT;

1. ANY BREACHES OF THE DATABASE OR UNAUTHORIZED RELEASES OF INFORMATION; AND

2. THE NUMBER OF EMPLOYEES WHO HAVE ACCESS TO THE DATABASE.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 15, 2025, the Maryland Coordination and Analysis Center and law enforcement agencies that maintain an automatic license plate reader database, shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the number of license plates that were unable to be read by an automatic license plate reader during the time period between July 1, 2024, and December 31, 2024, both inclusive.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2024.