

SENATE BILL 840

E4

(4lr1792)

ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Senator Sydnor**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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,~~

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.

Italics indicate opposite chamber/conference committee amendments.



~~Article – Public Safety~~
~~Section 3–509(a)(1)~~
~~Annotated Code of Maryland~~
~~(2022 Replacement Volume and 2023 Supplement)~~

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

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.

1 ~~(6)~~ (7) “Historical data” means any data collected by an automatic
2 license plate reader system and stored:

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

6 (II) THROUGH CLOUD COMPUTING.

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

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

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

14 (2) AUTOMATIC LICENSE PLATE HISTORICAL DATA CAPTURED IN
15 ACCORDANCE WITH THIS SECTION:

16 (I) IS THE PROPERTY OF THE LAW ENFORCEMENT AGENCY;
17 ~~AND~~

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

21 (III) MAY NOT BE ACCESSED BY A VENDOR CONTRACTED BY A
22 LAW ENFORCEMENT AGENCY UNLESS ACCESS IS EXPRESSLY REQUESTED AND
23 AUTHORIZED BY THE LAW ENFORCEMENT AGENCY;

24 (IV) MAY NOT BE UPLOADED FOR ANY REASON BY THE LAW
25 ENFORCEMENT AGENCY OR A VENDOR CONTRACTED BY THE LAW ENFORCEMENT
26 AGENCY THAT STORES THE DATA TO ANY OTHER LAW ENFORCEMENT AGENCY OR
27 ENTITY, REGARDLESS OF WHETHER THE AGENCY OR ENTITY IS LOCATED INSIDE OR
28 FOR ANY REASON, INCLUDING FEDERAL AGENCIES AND LAW ENFORCEMENT
29 AGENCIES OUTSIDE THE STATE; AND

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

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

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

7 (2) The procedures shall include:

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

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

14 ~~[(ii)]~~ (III) an audit process to ensure that information obtained
15 through the use of an automatic license plate reader system is used only for legitimate law
16 enforcement purposes, including audits of requests made by individual law enforcement
17 agencies [or], an individual law enforcement officer, OR A VENDOR CONTRACTED BY A
18 LAW ENFORCEMENT AGENCY; [and]

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

22 (V) PROCEDURES TO ~~REPORT~~ CERTIFY WHETHER AN
23 AUTOMATIC LICENSE PLATE READER SYSTEM EXPERIENCED A DATA BREACH AND A
24 REQUIREMENT FOR ANY VENDOR OPERATING A DATABASE FOR A LAW
25 ENFORCEMENT AGENCY TO REPORT:

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

28 2. THE NUMBER OF EMPLOYEES WHO HAVE ACCESS TO
29 THE DATABASE; AND

30 3. ANY UNAUTHORIZED RELEASES OF INFORMATION.

31 ~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 15, 2025,~~
32 ~~the Maryland Coordination and Analysis Center and law enforcement agencies that~~
33 ~~maintain an automatic license plate reader database, shall report to the General Assembly,~~
34 ~~in accordance with § 2-1257 of the State Government Article, on the number of license~~

1 ~~plates that were unable to be read by an automatic license plate reader during the time~~
2 ~~period between July 1, 2024, and December 31, 2024, both inclusive.~~

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.