

HB1081/263727/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 1081
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**and Taylor**” and substitute “**, Taylor, Simmons, Conaway, and Kaufman**”; in line 2, after “**Data**” insert “**Storage and Upload**”; in line 6, after “purpose;” insert “establishing that certain captured automatic license plate reader data may be uploaded to the Maryland Coordination and Analysis Center; extending a certain offense relating to license plate reader data to apply to a vendor contracted by a law enforcement agency;”; strike in their entirety lines 8 through 12, inclusive; in line 15, strike “3–509(a)(6) and (b)” and substitute “3–509(a), (b), and (c)”; and after line 22, insert:

“(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.”.

AMENDMENT NO. 2

On page 2, in line 1, strike “(6)” and substitute “**(7)**”; after line 6, insert:

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

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

in line 9, after “PLATE” insert “**HISTORICAL**”; in line 12, strike “AND”; in line 13, after “PURPOSE” insert “**BY A LAW ENFORCEMENT AGENCY OR VENDOR CONTRACTED BY A LAW ENFORCEMENT AGENCY, INCLUDING THE SALE OF SUBSCRIPTIONS OR LICENSES TO ACCESS DATA;**

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

(IV) MAY NOT BE UPLOADED FOR ANY REASON BY THE LAW ENFORCEMENT AGENCY OR A VENDOR CONTRACTED BY THE LAW ENFORCEMENT

AGENCY THAT STORES THE DATA TO ANY OTHER LAW ENFORCEMENT AGENCY OR ENTITY, REGARDLESS OF WHETHER THE AGENCY OR ENTITY IS LOCATED INSIDE OR OUTSIDE THE STATE; AND

(V) MAY BE UPLOADED TO A DATABASE OWNED OR OPERATED BY THE MARYLAND COORDINATION AND ANALYSIS CENTER”;

in line 14, after “agency” insert “OR THE VENDOR CONTRACTED BY THE LAW ENFORCEMENT AGENCY”; and after line 16, insert:

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

(2) The procedures shall include:

(i) which personnel in the Center or a law enforcement agency are authorized to query captured plate data gathered by an automatic license plate reader 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 CERTIFY 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;
2. THE NUMBER OF EMPLOYEES WHO HAVE ACCESS TO THE DATABASE; AND
3. ANY UNAUTHORIZED RELEASES OF INFORMATION.”.