

AMENDMENTS TO HOUSE BILL NO. 1811

Sponsor: SENATOR LANGERHOLC

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1 Amend Bill, page 1, line 2, by inserting after "Statutes, "
2 in penalties and disposition of fines, further providing for
3 surcharge;

4 Amend Bill, page 1, line 3, by striking out "and"

5 Amend Bill, page 1, line 3, by striking out "a penalty." and
6 inserting
7 penalties; and establishing the ALPR Equipment Fund.

8 Amend Bill, page 1, lines 6 and 7, by striking out all of
9 said lines and inserting

10 Section 1. Section 6506(b)(1) of Title 75 of the
11 Pennsylvania Consolidated Statutes is amended and subsection (a)
12 is amended by adding a paragraph to read:
13 § 6506. Surcharge.

14 (a) Levy and imposition.--In addition to any fines, fees or
15 penalties levied or imposed as provided by law, under this title
16 or any other statute, a surcharge shall be levied for
17 disposition in accordance with subsection (b) as follows:

18 * * *

19 (10) Upon conviction for violation of Chapter 13
20 (relating to registration of vehicles), a surcharge of \$25.

21 * * *

22 (b) Disposition.--

23 (1) Notwithstanding any other statutory provision:

24 (i) All surcharges levied and collected under
25 subsection (a)(1) by any division of the unified judicial
26 system shall be remitted to the Commonwealth for deposit
27 in the General Fund.

28 (ii) All surcharges levied and collected under
29 subsections (a)(2), (3), (4), (5), (6) and (7) by any
30 division of the unified judicial system shall be remitted
31 to the Commonwealth for deposit in the Public
32 Transportation Trust Fund.

33 (iii) All surcharges levied and collected under

subsection (a)(8) and (9) by any division of the unified judicial system shall be remitted to the appropriate towing and storage agent as set forth in section 6309.2(e) (relating to immobilization, towing and storage of vehicle for driving without operating privileges or registration) for purposes of funding its costs associated with Subchapter A of Chapter 63 (relating to general provisions).

(iv) All surcharges levied and collected under subsection (a)(10) by any division of the unified judicial system shall be remitted to the State Treasury for deposit in the ALPR Equipment Fund.

[(iv)] (v) If the fines, fees or penalties are being paid in installments, the surcharge shall be remitted on each installment on a pro rata basis.

* * *

Section 2. Part VI of Title 75 is amended by adding a chapter to read:

Amend Bill, page 1, line 16, by striking out "Penalty" and inserting

Penalties

Amend Bill, page 1, by inserting between lines 16 and 17
7007. Grant funding.

Amend Bill, page 2, line 26, by inserting after "statute"
, or a private entity under contract with an office, agency, board, bureau, department, commission or authority established by statute,

Amend Bill, page 2, by inserting between lines 27 and 28
"Private entity." A person, entity, group or organization that is not the Federal Government, the Commonwealth or a municipal authority.

Amend Bill, page 3, line 3, by inserting after "State"
, county

Amend Bill, page 3, lines 20 through 30, by striking out the period in line 20 and all of lines 21 through 30 and inserting
, conducting criminal investigations or ensuring compliance with Federal, State and local laws.

(d) Training required.--
(1) Prior to using an automated license plate reader system for a purpose identified in subsection (a)(1), an individual shall complete a training course approved by the Pennsylvania State Police and the Municipal Police Officers'

1 Education and Training Commission.

2 (2) Prior to using an automated license plate reader
3 system for a purpose identified in subsection (a)(2), an
4 individual shall complete a training course to be publicly
5 accessible under the policy outlined in section 7005
6 (relating to automated license plate reader system policy).

7 (3) Individuals who use an automated license plate
8 reader system in the discharge of their official duties for a
9 purpose identified in subsection (a) on the effective date of
10 this section and have not previously completed a similar
11 training course shall have six months from the effective date
12 of this section, or six months from the date the Pennsylvania
13 State Police certifies that a training course is available to
14 such individuals, whichever is later, to complete the
15 required training course.

16 Amend Bill, page 4, line 3, by inserting after "information"
17 as described in 75 Pa.C.S. § 1305 (relating to application
18 for registration)

19 Amend Bill, page 4, line 10, by striking out "must be
20 incapable of" and inserting
21 may not be used for

22 Amend Bill, page 4, lines 12 and 13, by striking out "except
23 for legitimate law enforcement purposes"

24 Amend Bill, page 4, line 19, by inserting after "action"
25 or criminal investigation

26 Amend Bill, page 4, line 22, by striking out "All" and
27 inserting

28 The Pennsylvania State Police shall determine how all

29 Amend Bill, page 4, line 23, by striking out "in this
30 Commonwealth" and inserting

31 in accordance with section 7002(a)(1) (relating to use
32 of automated license place reader systems)

33 Amend Bill, page 4, lines 24 and 25, by striking out "at the
34 Pennsylvania Criminal Intelligence" in line 24 and all of line
35 25 and inserting

36 within a secure data-hosting environment that is
37 designated by and under the control of the Pennsylvania State
38 Police.

1 (2) To carry out its responsibilities under paragraph
2 (1), the Pennsylvania State Police may contract with a
3 private third party for the purpose of administering a system
4 which will allow the storage of captured data in accordance
5 with this chapter. The Pennsylvania State Police are
6 authorized to pay a reasonable fee to a third party to
7 administer the system. Information received under this
8 section by a third party shall remain confidential as
9 specified under this chapter.

10 Amend Bill, page 4, line 26, by striking out "(2)" and
11 inserting

12 (3)

13 Amend Bill, page 4, line 26, by striking out "and government
14 agencies"

15 Amend Bill, page 4, lines 29 and 30, by striking out "with
16 the Pennsylvania State Police"

17 Amend Bill, page 5, lines 20 and 21, by striking out
18 "Captured data may be shared with law enforcement agencies and
19 with" and inserting

20 Law enforcement agencies may only share, sell, trade,
21 disseminate or exchange captured data with other law
22 enforcement agencies or

23 Amend Bill, page 6, line 3, by inserting after "destroyed"
24 upon the later of

25 Amend Bill, page 6, line 4, by striking out "within"

26 Amend Bill, page 6, line 4, by striking out "disposition" and
27 inserting

28 judgment

29 Amend Bill, page 6, line 6, by striking out "within"

30 Amend Bill, page 6, line 7, by inserting after "active"
31 or ongoing

32 Amend Bill, page 6, line 12, by striking out "60 days" and
33 inserting

34 one year

1 Amend Bill, page 6, line 22, by striking out "Department of
2 State" and inserting

3 Pennsylvania Commission on Crime and Delinquency

4 Amend Bill, page 6, lines 26 through 30; page 7, lines 1
5 through 18; by striking out all of said lines on said pages and
6 inserting

7 The Pennsylvania State Police, is authorized to develop a
8 policy related to the use of an automated license plate reader
9 system which includes the basic protocol, guidelines or written
10 policies governing the implementation, use, maintenance or
11 storage of automated license plate reader systems which a State,
12 county or local law enforcement agency or government entity must
13 adopt. The basic protocol, guidelines or written policies must
14 include, at a minimum, the following:

15 (1) An audit process to ensure that information obtained
16 through the use of an automated license plate reader system
17 is used only as outlined in section 7002(a) (relating to use
18 of automated license plate reader systems), including audits
19 of requests made by individual law enforcement agencies or
20 government entities or individual law enforcement or
21 government entity personnel.

22 (2) Procedures and safeguards to ensure that other
23 employees with access to the automated license plate reader
24 system database are adequately screened and trained.

25 (3) A copy of the training course used under section
26 7002(d)(2), if applicable.
27 § 7006. Penalties.

28 (a) Prohibited use of automated license plate reader
29 systems.--An individual who knowingly or intentionally violates
30 section 7002(b) (relating to use of automated license plate
31 reader systems) commits a misdemeanor of the second degree.

32 (b) Other violations.--An individual who knowingly or
33 intentionally violates section 7002(c), (d), (e) or (f) commits
34 a misdemeanor of the third degree.

35 § 7007. Grant funding.

36 (a) Establishment of fund.--The ALPR Equipment Fund is
37 established as a special fund in the State Treasury to procure
38 automated license plate reader (ALPR) equipment for use by law
39 enforcement agencies and to assist and provide equipment support
40 for State and local law enforcement. The money in the fund is
41 appropriated to the commission for the purposes of this section.
42 Costs of the commission required for the administration of this
43 section shall be paid out of the fund.

44 (b) Allocation.--

45 (1) Upon completion and approval of a municipal
46 application, the commission shall award a grant to a

1 municipality seeking reimbursement from the fund.

2 (2) The commission, in accordance with the provisions of
3 this chapter, shall establish guidelines for applications and
4 approval of applications from municipalities for the grants.

5 (3) Upon notification of a grant award, a municipality
6 is required to execute a reimbursement agreement, submit
7 invoices and provide project updates to the commission.

8 (4) Financial assistance for the procurement and
9 maintenance of ALPR equipment under this section shall not
10 require a match of municipal funds.

11 (5) Except for maintenance costs, ALPR equipment
12 purchased by a municipality prior to notification of a grant
13 award and an executed reimbursement agreement shall not be
14 eligible for reimbursement from the fund.

15 (c) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection unless the context clearly indicates otherwise:

18 "Commission." The Pennsylvania Commission on Crime and
19 Delinquency.

20 "Fund." The ALPR Equipment Fund established under subsection
21 (a).

22 Section 3. Unless specifically provided in 75 Pa.C.S. Ch.
23 70, nothing in 75 Pa.C.S. Ch. 70 shall be construed to apply to
24 captured data obtained before the effective date of this
25 section.

26 Amend Bill, page 7, line 19, by striking out "2" and
27 inserting

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