



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1811

PRINTERS NO. 2800

PRIME SPONSOR: Rothman

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
Commonwealth Funds	\$0	See "Fiscal Impact"
Local Funds	\$0	\$0

**SUMMARY:** Adds a new chapter in Title 75 (Vehicle Code) which provides for the proper use of Automated License Plate Reader Systems (ALPRs). This legislation would take effect in six months.

**ANALYSIS:** This legislation adds Chapter 70 to the Vehicle Code, entitled 'Automated License Plate Reader Systems' (ALPRs), which restricts government use of ALPRs. Chapter 70 also provides for restrictions on the preservation and disclosure of captured data and the destruction of data, while mandating a usage policy, and sets penalties associated with the misuse of ALPRs.

**Definitions:** An ALPR is defined as a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data which is used by a State, county or local law enforcement agency or government entity. ALPRs are not red-light cameras or the cameras used by the PA Turnpike Commission in electronic toll collection.

**Authorized Users:** A State, county or local law enforcement agency may only use an ALPR for legitimate law enforcement purposes, conducting criminal investigations or ensuring compliance with federal, state and local laws. In addition, a government entity may use an ALPR for controlling access to a secured area and enforcing State and local parking laws. Before using an ALPR, individuals shall complete a training course approved by the PA State Police and the Municipal Police Officers' Education and Training Commission.

**Restrictions:** Any manual entry of a registration plate number must be accompanied by documentation as to why the authorized individual did so, to ensure use for a legitimate law enforcement purpose. An ALPR must be incapable of any kind of user-controlled remote surveillance, and any registered vehicle information obtained as a result of the operation of an ALPR is not the property of the vendor or manufacturer, and may not be used for any purpose other than allowed by this legislation.

**Storage and Disclosure of Data:** Captured data obtained by the use of an ALPR must be stored centrally at the PA State Police Criminal Intelligence Center (PaCIC) to ensure compliance with this legislation. Captured data may not be sold, traded, disseminated or exchanged for any purpose by a law enforcement agency or government entity, unless shared between agencies for purposes prescribed under this legislation.

Captured data collected or retained through the use of an ALPR is not subject to the Right-to-Know Law and shall be destroyed with 1 year of final disposition of any recorded event, or within 1 year of any recorded event which is not directly related to a crime or investigation. Any data previously collected must be destroyed no later than 60 days after the legislation's effective date. All authorized entities are required to annually notify the Department of State that they have complied with the destruction of data required under this legislation.

All entities engaged in the use of an ALPR must adopt written policies, and make those policies available to the public. The policy must include which employees are authorized to query captured data and an audit process to ensure compliance with this legislation. The policy must also include procedures and safeguards to ensure that other employees with access to the database are adequately screened and trained.

A usage violation of an ALPR is a misdemeanor of the 2nd degree (up to 2 years imprisonment and/or a fine of up to \$5,000).

**FISCAL IMPACT:** The PA State Police indicates that they would incur some additional administrative and operational costs likely related to IT-type upgrades for the storage and maintenance of the data stored centrally at their Criminal Intelligence Center. Those specific items and costs are indeterminable at this point.

This legislation would have no adverse fiscal impact on municipal funds.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** January 22, 2018

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*