THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1811 Session of 2017

INTRODUCED BY ROTHMAN, MATZIE, DRISCOLL, JAMES, MILLARD, READSHAW, TALLMAN, DUSH, GILLEN, KEEFER AND NEILSON, SEPTEMBER 21, 2017

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2   Statutes, providing for automated license plate reader
3   systems; and imposing a penalty.

4   The General Assembly of the Commonwealth of Pennsylvania

5 hereby enacts as follows:

6   Section 1. Part VI of Title 75 of the Pennsylvania

7 Consolidated Statutes is amended by adding a chapter to read:

8   CHAPTER 70

9   AUTOMATED LICENSE PLATE READER SYSTEMS

10 Sec.

11 7001. Definitions.

12 7002. Use of automated license plate reader systems.

13 7003. Preservation and disclosure of captured data.

14 7004. Destruction of captured data.

15 7005. Automated license plate reader system policy.

16 7006. Penalty.

17 § 7001. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Automated license plate reader system."

(1) A system:

(i) of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data; and

(ii) used by a State, county or local law enforcement agency or a government entity.

(2) The term does not include a violation enforcement system as defined in 74 Pa.C.S. § 8102 (relating to definitions) or a system used in electronic toll collection.

(3) The term does not include an automated red light enforcement system as defined in section 102 (relating to definitions) and used under sections 3116 (relating to automated red light enforcement systems in first class cities) and 3117 (relating to automated red light enforcement systems in certain municipalities).

"Captured data." The global positioning system coordinates, dates and times, photographs, registration plate numbers and any other data collected by or derived from an automated license plate reader system.

"Government entity." An office, agency, board, bureau, department, commission or authority established by statute to carry out a government function.

"Secured area." An area, enclosed by clear boundaries, to which access is limited and entry is only obtainable through specific access-control points.

§ 7002. Use of automated license plate reader systems.

   (a) Authorized purposes.--

      (1) A State or local law enforcement agency may only use an automated license plate reader system for legitimate law enforcement purposes, conducting criminal investigations or ensuring compliance with Federal, State and local laws.

      (2) In addition to the purposes under paragraph (1), a government entity may use an automated license plate reader ~~system for the purpose of controlling access to a secured~~ **<--** ~~area.~~ SYSTEM FOR THE PURPOSE OF: **<--**

         (I) ENFORCING STATE AND LOCAL PARKING LAWS.

         (II) CONTROLLING ACCESS TO A SECURED AREA.

   (b) Prohibition.--Except as authorized under subsection (a), the use of an automated license plate reader system is prohibited.

   (c) Manual entries.--Any State, county or local law enforcement agency or government entity that manually enters license plate numbers into an automated license plate reader system must document the reason for the entry to ensure use for a legitimate law enforcement purpose.

   (d) Training required.--Prior to using an automated license plate reader system for a purpose identified in subsection (a), an individual shall complete a training course approved by the Pennsylvania State Police and the Municipal Police Officers' Education and Training Commission. Individuals who use an automated license plate reader system in the discharge of their official duties for a purpose identified in subsection (a) on the effective date of this section shall have six months from the effective date of this section to complete the required training course.

1   (e) Use of registered vehicle owner information.--

2   Notwithstanding any other provision of law, registered vehicle

3   owner information obtained as a result of the operation of an

4   automated license plate reader system shall not be the property

5   of the manufacturer nor vendor of the automated license plate

6   reader system and may not be used for any purpose other than

7   prescribed in this section.

8   (f) Further restrictions.--Notwithstanding any other

9   provision of law, camera equipment deployed as part of an

10   automated license plate reader system must be incapable of

11   automated or user-controlled remote surveillance by means of

12   recorded video images except for legitimate law enforcement

13   purposes. The restrictions set forth in this subsection shall

14   not be deemed to preclude a court of competent jurisdiction from

15   issuing an order directing that information obtained through the

16   use of an automated license plate reader system be provided to

17   law enforcement officials if the information is reasonably

18   described and is requested solely in connection with a criminal

19   law enforcement action.

20   § 7003. Preservation and disclosure of captured data.

21   (a) Location of captured data.--

22   (1) All captured data collected through the use of an

23   automated license plate reader system in this Commonwealth

24   shall be stored at the Pennsylvania Criminal Intelligence

25   Center.

26   (2) Law enforcement agencies and government agencies

27   maintaining a separate database on the effective date of this

28   section shall have one year from the effective date of this

29   section to arrange for the sharing of captured data with the

30   Pennsylvania State Police in accordance with paragraph (1).

1   (b) Confidentiality of captured data.--

2   (1) Except as provided in paragraph (2) or (3):

3   (i) A law enforcement agency or government entity

4   authorized to use an automated license plate reader

5   system may not sell, trade, disseminate or exchange

6   captured data for any purpose.

7   (ii) Captured data collected or retained through the

8   use of an automated license plate reader system is

9   confidential and is only available for use by a law

10   enforcement agency in carrying out its functions, by a

11   government entity collecting information for its intended

12   purpose and in any related civil or criminal proceeding.

13   (2) The restrictions set forth in this subsection shall

14   not be deemed to preclude a court of competent jurisdiction

15   from issuing an order directing that captured data obtained

16   through the use of an automated license plate reader system

17   be provided to law enforcement officials if the information

18   is reasonably described and is requested solely in connection

19   with a criminal law enforcement action.

20   (3) Captured data may be shared with law enforcement

21   agencies and with criminal justice agencies in the

22   performance of their official duties.

23   (c) Applicability of Right-to-Know Law.--Captured data

24   collected or retained through the use of an automated license

25   plate reader system is not subject to disclosure under the act

26   of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know

27   Law.

28   § 7004. Destruction of captured data.

29   (a) Destruction of captured data.--The following apply:

30   (1) Except as otherwise provided for under 18 Pa.C.S.

Ch. 91 (relating to criminal history record information),
captured data obtained through the use of automated license
plate reader systems deployed shall be destroyed:

    (i) within one year of final disposition of any case
involving a recorded event; or

    (ii) within one year of any recorded event which is
not directly related to a violation or an active criminal
investigation.

  (2) (Reserved).

(b) Captured data previously collected.--Captured data
collected before the effective date of this section must be
destroyed, if required by this section, no later than 60 days
after the effective date of this section.

(c) Shared data.--If captured data collected by an automated
license plate reader system are shared with another law
enforcement agency or government entity, the agency or entity
that receives the data must comply with the requirements of this
section.

(d) Notification.--The law enforcement agency or government
entity which obtained recorded images through the use of an
automated license plate reader system shall annually file notice
with the Department of State that the records have been
destroyed in accordance with this section no later than December
15 of each year.

§ 7005. Automated license plate reader system policy.

A State or local law enforcement agency or government entity
that maintains an automated license plate reader system shall
establish, make public and enforce a written policy governing
the use of the automated license plate reader system. Use of an
automated license plate reader system without adoption of a

1 written policy under this section is prohibited. The policy

2 shall include the following:

3   (1)   which law enforcement agency or government entity

4 personnel are authorized to query captured data obtained by

5 an automated license plate reader system;

6   (2)   an audit process to ensure that information obtained

7 through the use of an automated license plate reader system

8 is used only for legitimate law enforcement purposes,

9 including audits of requests made by individual law

10 enforcement agencies or government entities or individual law

11 enforcement or government entity personnel; and

12   (3)   procedures and safeguards to ensure that other

13 employees with access to the automated license plate reader

14 system database are adequately screened and trained.

15 § 7006. Penalty.

16 An individual who violates section 7002 (relating to use of

17 automated license plate reader systems) commits a misdemeanor of

18 the second degree.

19   Section 2. This act shall take effect in six months.