# HOUSE BILL 1398

E4

HB 1345/16 – JUD

7lr2504

By: **Delegates Glass, Hornberger, McDonough, and Parrott**
Introduced and read first time: February 10, 2017
Assigned to: Judiciary

## A BILL ENTITLED

1   AN ACT concerning

2   **Public Safety – Police Profiling – "Right–to–Carry" Permit**

3   FOR the purpose of establishing that it is not a legitimate law enforcement purpose to use
4        certain captured plate data that indicates the owner of the vehicle has been issued a
5        permit to carry, wear, or transport a handgun as the sole basis to stop and question
6        the vehicle's driver; and generally relating to law enforcement.

7   BY repealing and reenacting, with amendments,
8        Article – Public Safety
9        Section 3–509
10       Annotated Code of Maryland
11       (2011 Replacement Volume and 2016 Supplement)

12       SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13   That the Laws of Maryland read as follows:

14                      **Article – Public Safety**

15   3–509.

16       (a)    (1)    In this section the following words have the meanings indicated.

17              (2)    (i)    "Active data" means:

18                           1.    data uploaded to individual automatic license plate reader
19   system units before operation; and

20                           2.    data gathered during the operation of an automatic license
21   plate reader system.

22              (ii)   "Active data" does not include historical data.

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EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
       **[Brackets]** indicate matter deleted from existing law.

1          (3)    "Automatic license plate reader system" means a system of one or more
2    mobile or fixed high–speed cameras used in combination with computer algorithms to
3    convert images of license plates into computer–readable data.

4          (4)    (i)    "Captured plate data" means the global positioning system
5    coordinates, dates and times, photographs, license plate numbers, and any other data
6    collected by or derived from an automatic license plate reader system.

7                 (ii)    "Captured plate data" includes active data and historical data.

8          (5)    "Center" means the Maryland Coordination and Analysis Center.

9          (6)    "Historical data" means any data collected by an automatic license plate
10   reader system and stored in an automatic license plate reader database operated by the
11   Maryland Coordination and Analysis Center or by a law enforcement agency.

12         (7)    "Law enforcement agency" has the meaning stated in § 3–201(d) of this
13   title.

14         (8)    "Legitimate law enforcement purpose" means the investigation,
15   detection, or analysis of a crime or a violation of the Maryland vehicle laws or the operation
16   of terrorist or missing or endangered person searches or alerts.

17       **(B)    IT IS NOT A LEGITIMATE LAW ENFORCEMENT PURPOSE TO USE**
18   **CAPTURED PLATE DATA THAT INDICATES THE OWNER OF THE VEHICLE HAS BEEN**
19   **ISSUED A PERMIT UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE TO CARRY, WEAR,**
20   **OR TRANSPORT A HANDGUN AS THE SOLE BASIS TO STOP AND QUESTION THE**
21   **VEHICLE'S DRIVER.**

22       **[(b)] (C)**    (1)    A law enforcement agency may not use captured plate data
23   unless the agency has a legitimate law enforcement purpose.

24         (2)    An employee of a law enforcement agency who violates this subsection
25   is subject to imprisonment not exceeding 1 year and a fine not exceeding $10,000 or both.

26       **[(c)] (D)**    (1)    The Department of State Police and any law enforcement agency
27   using an automatic license plate reader system shall adopt procedures relating to the
28   operation and use of the system.

29         (2)    The procedures shall include:

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

1               (ii)    an audit process to ensure that information obtained through the
2 use of an automatic license plate reader system is used only for legitimate law enforcement
3 purposes, including audits of requests made by individual law enforcement agencies or an
4 individual law enforcement officer; and

5               (iii)   procedures and safeguards to ensure that Center staff with
6 access to the automatic license plate reader database are adequately screened and trained.

7      [(d)] **(E)**    Information gathered by an automatic license plate reader system is
8 not subject to disclosure under the Maryland Public Information Act.

9      [(e)] **(F)**    On or before March 1 of each year beginning in 2016, the Department
10 of State Police, in conjunction with the Center and law enforcement agencies that maintain
11 an automatic license plate reader database, shall report to the Senate Judicial Proceedings
12 Committee, the House Judiciary Committee, and the Legislative Policy Committee, in
13 accordance with § 2–1246 of the State Government Article, on the following information
14 based on data from the previous calendar year:

15              (1)    the total number of automatic license plate reader units being operated
16 in the State by law enforcement agencies and the number of units submitting data to the
17 Center;

18              (2)    the number of automatic license plate reader readings made by a law
19 enforcement agency that maintains an automatic license plate reader database and the
20 number of readings submitted to the Center;

21              (3)    the number of automatic license plate reader readings being retained
22 on the automatic license plate reader database;

23              (4)    the number of requests made to the Center and each law enforcement
24 agency that maintains an automatic license plate reader database for automatic license
25 plate reader data, including specific numbers for:

26               (i)    the number of requests that resulted in a release of information;

27               (ii)    the number of out–of–state requests;

28               (iii)   the number of federal requests;

29               (iv)   the number of out–of–state requests that resulted in a release of
30 information; and

31               (v)    the number of federal requests that resulted in a release of
32 information;

33              (5)    any data breaches or unauthorized uses of the automatic license plate
34 reader database; and

1              (6)     a list of audits that were completed by the Center or a law enforcement
2  agency.

3         SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4  October 1, 2017.