

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 348

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H348-ASU-54 [v.10]

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Comm. Sub. [NO]
Amends Title [YES]
Second Edition

Date _____, 2014

Senator McKissick

1 moves to amend the bill on page 1, line 4, by deleting "SYSTEM." and substituting "SYSTEM;
2 AND TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER
3 SYSTEMS."; and

4
5 on page 1, lines 17-18, by inserting the following new section between the lines:

6 "SECTION 2. Chapter 20 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 3D.

9 "Automatic License Plate Reader Systems.

10 "§ 20-183.22. Definitions.

11 The following definitions apply in this Article:

12 (1) Automatic license plate reader system. – A system of one or more mobile or
13 fixed automated high-speed cameras used in combination with computer
14 algorithms to convert images of license plates into computer-readable data.
15 This term shall not include a traffic control photographic system, as that
16 term is defined in G.S. 160A-300.1(a).

17 (2) Law enforcement agency. – Any agency or officer of the State of North
18 Carolina or any political subdivision thereof who is empowered by the laws
19 of this State to conduct investigations or to make arrests, and any attorney,
20 including the Attorney General of North Carolina, authorized by the laws of
21 this State to prosecute or participate in the prosecution of those persons
22 arrested or persons who may be subject to civil actions related to or
23 concerning an arrest.

24 "§ 20-183.23. Regulation of use.

25 Any State or local law enforcement agency using an automatic license plate reader system
26 must adopt a written policy governing its use before the automatic license plate reader system
27 is operational. The policy shall address all of the following:

28 (1) Databases used to compare data obtained by the automatic license plate
29 reader system.

30 (2) Data retention.

31 (3) Sharing of data with other law enforcement agencies.

32 (4) Training of automatic license plate reader system operators.



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- 1 (5) Supervisory oversight of automatic license plate reader system use.
- 2 (6) Internal data security and access.
- 3 (7) Annual or more frequent auditing and reporting of automatic license plate
- 4 reader system use and effectiveness to the head of the agency responsible for
- 5 operating the system.
- 6 (8) Any other subjects related to automatic license plate reader system use by
- 7 the agency.

8 "**§ 20-183.24. Preservation and disclosure of records.**

9 (a) Data obtained by an automatic license plate reader system shall not be preserved for
10 more than 120 days unless there is a written, articulable, and recorded basis that the data has
11 intelligence or investigatory value, or is or may become evidence in a specific criminal action.
12 In that event, the specific case and parties involved shall be identified.

13 (b) Data obtained by an automatic license plate reader system is confidential and not a
14 public record as that term is defined in G.S. 132-1. Data shall not be disclosed except to a
15 federal, State, or local law enforcement agency for a legitimate law enforcement or public
16 safety purpose pursuant to a written request from the requesting agency. Written requests may
17 be in electronic format.""; and

18 on page 1, line 18, by rewriting the line to read:

19 "**SECTION 3.** Section 2 of this act becomes effective December 1, 2014. The
20 remainder of the act is effective when it becomes law."
21

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**