

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 182
Judiciary II Committee Substitute Adopted 4/23/15
PROPOSED HOUSE COMMITTEE SUBSTITUTE S182-PCS45381-SU-28

Short Title: Automatic License Plate Readers.

(Public)

Sponsors:

Referred to:

March 5, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER
3 SYSTEMS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 20 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 3D.

8 "Automatic License Plate Reader Systems.

9 "**§ 20-183.22. Definitions.**

10 The following definitions apply in this Article:

11 (1) Automatic license plate reader system. – A system of one or more mobile or
12 fixed automated high-speed cameras used in combination with computer
13 algorithms to convert images of license plates into computer-readable data.
14 This term shall not include a traffic control photographic system, as that
15 term is defined in G.S. 160A-300.1(a), or an open road tolling system, as
16 that term is defined in G.S. 136-89.210(3).

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.
33 (5) Supervisory oversight of automatic license plate reader system use.
34 (6) Internal data security and access.



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- 1 (7) Annual or more frequent auditing and reporting of automatic license plate
2 reader system use and effectiveness to the head of the agency responsible for
3 operating the system.
- 4 (8) Accessing data obtained by automatic license plate reader systems not
5 operated by the law enforcement agency.
- 6 (9) 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 operated by a law
10 enforcement agency shall not be preserved for more than 90 days unless there is a written,
11 articulable, and recorded basis that the data has intelligence or investigatory value, is or may
12 become evidence in a specific criminal action, or is needed to prove a violation of a motor
13 carrier safety regulation. In that event, the specific case and parties involved shall be identified.

14 (b) Data obtained by an automatic license plate reader system not operated by a law
15 enforcement agency that is preserved for more than 90 days shall not be accessed by a law
16 enforcement agency unless there is a written, articulable, and recorded basis that the data has
17 intelligence or investigatory value, is or may become evidence in a specific criminal action, or
18 is needed to prove a violation of a motor carrier safety regulation. In that event, the specific
19 case and parties involved shall be identified.

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

25 **SECTION 2.** This act becomes effective December 1, 2015.