

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 182
Judiciary II Committee Substitute Adopted 4/23/15
House Committee Substitute Favorable 6/30/15
PROPOSED HOUSE COMMITTEE SUBSTITUTE S182-PCS25273-TH-35

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 (a) Any State or local law enforcement agency using an automatic license plate reader
26 system must adopt a written policy governing its use before the automatic license plate reader
27 system 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 (b) Data obtained by a law enforcement agency in accordance with this section or
9 G.S. 20-183.24 shall be obtained, accessed, preserved, or disclosed only for law enforcement or
10 criminal justice purposes.

11 **"§ 20-183.24. Preservation and disclosure of records.**

12 (a) Captured plate data obtained by an automatic license plate reader system, whether
13 or not the system is operated by a law enforcement agency, shall not be preserved for more than
14 90 days after the date the data is captured.

15 (b) Notwithstanding subsection (a) of this section, data obtained by an automatic license
16 plate reader may be preserved for more than 90 days pursuant to any of the following:

17 (1) A preservation request under subsection (c) of this section.

18 (2) A search warrant issued pursuant to Article 11 of Chapter 15A of the
19 General Statutes.

20 (3) A federal search warrant issued in compliance with the Federal Rules of
21 Criminal Procedure.

22 (c) Upon the request of a law enforcement agency, the custodian of the captured plate
23 data shall take all necessary steps to immediately preserve captured plate data in its possession.
24 A requesting agency must specify in a written, sworn statement all of the following:

25 (1) The location of the particular camera or cameras for which captured plate
26 data must be preserved and the particular license plate for which captured
27 plate data must be preserved.

28 (2) The date or dates and time frames for which captured plate data must be
29 preserved.

30 (3) Specific and articulable facts showing that there are reasonable grounds to
31 believe that the captured plate data is relevant and material to an ongoing
32 criminal or missing persons investigation or is needed to prove a violation of
33 a motor carrier safety regulation.

34 (4) The case and identity of the parties involved in that case.

35 After one year from the date of the initial preservation request, the captured plate data
36 obtained by an automatic license plate reader system shall be destroyed according to the
37 custodian's own record or data retention policy, unless the custodian receives within that period
38 another preservation request under this subsection, in which case the retention period
39 established under this subsection shall reset.

40 (d) A law enforcement agency that uses an automatic license plate reader system in
41 accordance with G.S. 20-183.23 shall update the system from the databases specified therein
42 every 24 hours if such updates are available or as soon as practicable after such updates become
43 available.

44 (e) Captured plate data obtained in accordance with this Article is confidential and not a
45 public record as that term is defined in G.S. 132-1. Data shall not be disclosed except to a
46 federal, State, or local law enforcement agency for a legitimate law enforcement or public
47 safety purpose pursuant to a written request from the requesting agency. Written requests may
48 be in electronic format. Nothing in this subsection shall be construed as requiring the disclosure
49 of captured plate data if a law enforcement agency determines that disclosure will compromise
50 an ongoing investigation. Captured plate data shall not be sold for any purpose."

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