

Hall of the House of Representatives
89th General Assembly - Regular Session, 2013
Amendment Form

Subtitle of House Bill No. 1996

TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER SYSTEMS.

Amendment No. 1 to House Bill No. 1996

Amend House Bill No. 1996 as originally introduced:

Page 2, delete line 21 and substitute the following:

"Information Center, a database created by law enforcement for the purposes of an ongoing investigation, and the Federal Bureau of Investigation for the purpose"

AND

Page 2, line 28, delete "felony"

AND

Page 3, delete lines 1 through 11 and substitute:

"be preserved for more than thirty (30) days.

(b) Captured plate data obtained by an entity under § 12-12-1803(b)(1) may be retained as part of an ongoing investigation and shall be destroyed at the conclusion of either:

(1) An investigation that does not result in any criminal charges being filed; or

(2) Any criminal action undertaken in the matter involving the captured plate data.

(c) A governmental entity that uses an automatic license plate reader system under § 12-12-1803(b)(1) shall update the captured plate data collected under this subchapter every twenty-four (24) hours if updates are available.

(d)(1) Except as provided under subdivision (d)(2) of this section, a governmental entity authorized to use an automatic license plate reader system under § 12-12-1803(b) shall not sell, trade, or exchange captured plate data for any purpose.

(2) Captured plate data obtained by a law enforcement agency under § 12-12-1803(b)(1) may be shared with other law enforcement agencies."

AND

Page 4, line 23, delete "and"



AND

Page 4, delete line 29 and substitute the following:

"arrest and prosecution; and

(8)(A) Promulgate rules and policies concerning the manner and method of obtaining, retaining, and destroying captured plate data, including, without limitation, specific rules and policies concerning retention of material in excess of thirty (30) days under § 12-12-1803(b), and make those rules and policies available for public inspection.

(B) Failure to comply with subdivision (b)(8)(A) of this section shall be grounds for a court of competent jurisdiction to exclude any evidence obtained under this subchapter."

AND

Page 5, delete lines 13 through 16 and substitute the following:

"(a)(1) Captured plate data or data obtained from the Office of Motor Vehicle are not public record for purposes of the Freedom of Information Act of 1967, § 25-19-101 et seq., and may be disclosed only:

(A) To the person to whom the vehicle is registered;

(B) After the written consent of the person to whom the vehicle is registered; or

(C) If the disclosure of the data is permitted by the Driver Privacy Protection Act of 1994, 18 U.S.C. § 2721 et seq., as it existed on January 1, 2013."

The Amendment was read _____

By: Representative Steel

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Chief Clerk