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By: Delegates Glass and Simonaire

Introduced and read first time: February 12, 2016

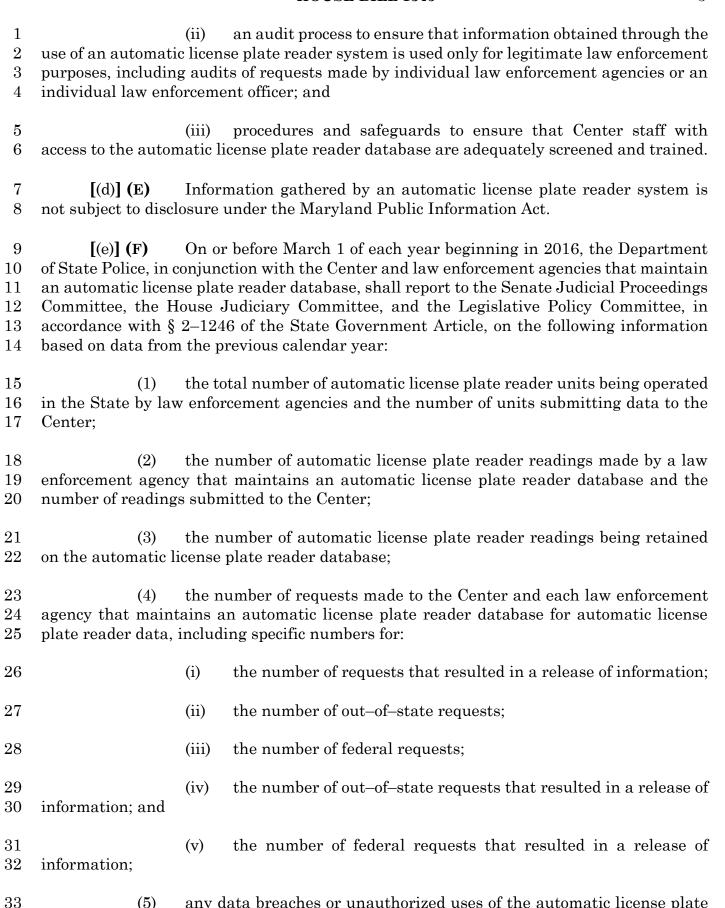
Assigned to: Judiciary

## 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 certain captured plate data that indicates the owner of the vehicle has been issued a 4 5 permit to carry, wear, or transport a handgun as the sole basis to stop and question the vehicle's driver; and generally relating to law enforcement. 6 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 2015 Supplement) 12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. That the Laws of Maryland read as follows: 13 14 Article - Public Safety 15 3-509.16 In this section the following words have the meanings indicated. (a) (1)"Active data" means: 17 (2)(i) 18 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 21plate reader system. "Active data" does not include historical data. 22(ii)



- 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.
- (B) It is not a legitimate law enforcement purpose to use Captured plate data that indicates the owner of the vehicle has been issued a permit under Title 5, Subtitle 3 of this article to carry, wear, or transport a handgun as the sole basis to stop and question the vehicle's driver.
- [(b)] (C) (1) A law enforcement agency may not use captured plate data 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.
- [(c)] (D) (1) The Department of State Police and any law enforcement agency using an automatic license plate reader system shall adopt procedures relating to the 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;



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

## **HOUSE BILL 1345**

- 1 (6) a list of audits that were completed by the Center or a law enforcement 2 agency.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 4 October 1, 2016.