

# HOUSE BILL 958

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By: **Delegates McComas, Carey, Cassilly, Glass, Impallaria, Kittleman, Krebs, Malone, McKay, Reilly, Rey, Saab, Sophocleus, Sydnor, and C. Wilson**  
Introduced and read first time: February 6, 2017  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Gun Shows – Captured Plate Data**

3 FOR the purpose of establishing that it is not a legitimate law enforcement purpose to  
4 collect, store, or share certain captured plate data from a vehicle parked at, entering,  
5 or leaving a gun show without a warrant or articulable evidence of illegal activity;  
6 defining a certain term; and generally relating to law enforcement.

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 2016 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Public Safety

14 Section 5–130(a)

15 Annotated Code of Maryland

16 (2011 Replacement Volume and 2016 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Public Safety**

20 3–509.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) (i) “Active data” means:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                           1.     data uploaded to individual automatic license plate reader  
2 system units before operation; and

3                           2.     data gathered during the operation of an automatic license  
4 plate reader system.

5                           (ii)   “Active data” does not include historical data.

6                           (3)   “Automatic license plate reader system” means a system of one or more  
7 mobile or fixed high-speed cameras used in combination with computer algorithms to  
8 convert images of license plates into computer-readable data.

9                           (4)   (i)   “Captured plate data” means the global positioning system  
10 coordinates, dates and times, photographs, license plate numbers, and any other data  
11 collected by or derived from an automatic license plate reader system.

12                           (ii)   “Captured plate data” includes active data and historical data.

13                           (5)   “Center” means the Maryland Coordination and Analysis Center.

14                           **(6)   “GUN SHOW” HAS THE MEANING STATED IN § 5-130 OF THIS**  
15 **ARTICLE.**

16                           **[(6)] (7)**   “Historical data” means any data collected by an automatic  
17 license plate reader system and stored in an automatic license plate reader database  
18 operated by the Maryland Coordination and Analysis Center or by a law enforcement  
19 agency.

20                           **[(7)] (8)**   “Law enforcement agency” has the meaning stated in § 3-201(d)  
21 of this title.

22                           **[(8)] (9)**   “Legitimate law enforcement purpose” means the investigation,  
23 detection, or analysis of a crime or a violation of the Maryland vehicle laws or the operation  
24 of terrorist or missing or endangered person searches or alerts.

25                           **(B)   IT IS NOT A LEGITIMATE LAW ENFORCEMENT PURPOSE TO COLLECT,**  
26 **STORE, OR SHARE CAPTURED PLATE DATA FROM A VEHICLE PARKED AT, ENTERING,**  
27 **OR LEAVING A GUN SHOW WITHOUT A WARRANT OR ARTICULABLE EVIDENCE OF**  
28 **ILLEGAL ACTIVITY.**

29                           **[(b)] (C)**   (1)   A law enforcement agency may not use captured plate data  
30 unless the agency has a legitimate law enforcement purpose.

31                           (2)   An employee of a law enforcement agency who violates this subsection  
32 is subject to imprisonment not exceeding 1 year and a fine not exceeding \$10,000 or both.

1           **[(c)] (D)**     (1)     The Department of State Police and any law enforcement agency  
2 using an automatic license plate reader system shall adopt procedures relating to the  
3 operation and use of the system.

4                   (2)     The procedures shall include:

5                           (i)     which personnel in the Center or a law enforcement agency are  
6 authorized to query captured plate data gathered by an automatic license plate reader  
7 system;

8                           (ii)    an audit process to ensure that information obtained through the  
9 use of an automatic license plate reader system is used only for legitimate law enforcement  
10 purposes, including audits of requests made by individual law enforcement agencies or an  
11 individual law enforcement officer; and

12                           (iii)  procedures and safeguards to ensure that Center staff with  
13 access to the automatic license plate reader database are adequately screened and trained.

14           **[(d)] (E)**     Information gathered by an automatic license plate reader system is  
15 not subject to disclosure under the Maryland Public Information Act.

16           **[(e)] (F)**     On or before March 1 of each year beginning in 2016, the Department  
17 of State Police, in conjunction with the Center and law enforcement agencies that maintain  
18 an automatic license plate reader database, shall report to the Senate Judicial Proceedings  
19 Committee, the House Judiciary Committee, and the Legislative Policy Committee, in  
20 accordance with § 2–1246 of the State Government Article, on the following information  
21 based on data from the previous calendar year:

22                   (1)     the total number of automatic license plate reader units being operated  
23 in the State by law enforcement agencies and the number of units submitting data to the  
24 Center;

25                   (2)     the number of automatic license plate reader readings made by a law  
26 enforcement agency that maintains an automatic license plate reader database and the  
27 number of readings submitted to the Center;

28                   (3)     the number of automatic license plate reader readings being retained  
29 on the automatic license plate reader database;

30                   (4)     the number of requests made to the Center and each law enforcement  
31 agency that maintains an automatic license plate reader database for automatic license  
32 plate reader data, including specific numbers for:

33                           (i)     the number of requests that resulted in a release of information;

34                           (ii)    the number of out-of-state requests;

- 1 (iii) the number of federal requests;
- 2 (iv) the number of out-of-state requests that resulted in a release of  
3 information; and
- 4 (v) the number of federal requests that resulted in a release of  
5 information;
- 6 (5) any data breaches or unauthorized uses of the automatic license plate  
7 reader database; and
- 8 (6) a list of audits that were completed by the Center or a law enforcement  
9 agency.

10 5-130.

11 (a) In this section, "gun show" means any organized gathering open to the public  
12 at which any firearm is displayed.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2017.