

ASSEMBLY, No. 2384

STATE OF NEW JERSEY 219th LEGISLATURE

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Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

SYNOPSIS

Imposes certain requirements on use of automated license plate readers by law enforcement agencies.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning automated license plate readers and
2 supplementing Title 2A of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. As used in this act, “automated license plate reader”
8 means a system consisting of one or more cameras and related
9 equipment that automatically and without direct human control
10 locates, focuses on, and photographs license plates and vehicles that
11 come into range of the device; that automatically converts digital
12 photographic images of scanned license plates into electronic text
13 documents; that is capable of comparing scanned license plate text
14 data with data files for vehicles on a list programmed into the
15 device’s electronic memory; and that notifies law enforcement,
16 whether by an audible alert or by other means, when a scanned
17 license plate matches the license plate on the programmed list. The
18 term includes both devices that are placed at a stationary location
19 and mobile devices affixed to a law enforcement vehicle that are
20 capable of operating while the vehicle is in motion.

21 b. An employee of a law enforcement agency who uses or
22 accesses automated license plate reader data without authorization
23 shall be guilty of a disorderly persons offense.

24
25 2. The county prosecutor or the Attorney General or his
26 designee shall conduct an annual audit of every law enforcement
27 agency’s use of automated license plate readers and automated
28 license plate reader data to determine if they are being used only for
29 official and legitimate law enforcement business.

30
31 3. a. Every law enforcement agency that utilizes automated
32 license plate readers shall submit an annual report to the Attorney
33 General, on forms prescribed by the Attorney General, which shall
34 contain the following information:

35 (1) the number of automated license plate readers being
36 operated by the law enforcement agency;

37 (2) the number of readings made by the law enforcement agency
38 using an automated license plate reader;

39 (3) the number of readings by automated license plate readers
40 being stored by the law enforcement agency;

41 (4) the number of requests made to the law enforcement agency
42 for automated license plate reader data, including the number of
43 requests that resulted in the release of information; the number of
44 out-of-State requests; the number of out-of State requests that
45 resulted in the release of information; the number of federal
46 requests; and the number of federal requests that resulted in the
47 release of information;

1 (5) any data breaches or unauthorized uses of the automated
2 license plate reader data; and

3 (6) a listing of the audit that was completed pursuant to section
4 2 of P.L. , c. (C.) (pending before the Legislature as this
5 bill).

6 b. Pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the
7 Attorney General shall issue an annual report to the Governor and
8 the Legislature summarizing the information provided by law
9 enforcement agencies pursuant to subsection a. of this section.

10
11 4. a. A law enforcement agency shall retain stored automated
12 license plate reader data for a period of two years, after which, the
13 data shall be purged from the law enforcement agency's data
14 storage device or system.

15 b. A law enforcement agency also may request authorization
16 from the Director of the Division of Criminal Justice to purge
17 automated license plate reader data prior to the expiration of the
18 two-year retention period established by subsection a. of this
19 section for good and sufficient cause including, but not limited to,
20 the need to reduce data storage costs.

21 Any automated license plate reader data transferred to another
22 agency shall indicate the date on which the data was collected by
23 the automated license plate reader so that the receiving agency may
24 comply with the two-year retention and purging schedule
25 established pursuant to this section.

26
27 5. This act shall take effect on the first day of seventh month
28 after enactment.

31 STATEMENT

32
33 This bill imposes certain requirements on the use of automated
34 license plate readers by law enforcement agencies.

35 Specifically, under the provisions of this bill, an employee of a
36 law enforcement agency who uses or accesses automated license
37 plate reader data without authorization is guilty of a disorderly
38 persons offense. A disorderly persons offense is punishable by
39 imprisonment of up to six months, a fine of up to \$1,000, or both.

40 In addition, the county prosecutor or the Attorney General or his
41 or her designee is to conduct an annual audit of every law
42 enforcement agency's use of automated license plate readers and
43 automated license plate reader data to determine if they are being
44 used only for official and legitimate law enforcement business.

45 The bill also requires every law enforcement agency that utilizes
46 an automated license plate reader to submit an annual report to the
47 Attorney General, which is required to contain the following
48 information: 1) the number of automated license plate readers being

1 operated by the law enforcement agency; 2) the number of readings
2 made by the law enforcement agency using automated license plate
3 readers; 3) the number of readings being stored by the law
4 enforcement agency; 4) the number of requests made to the law
5 enforcement agency for automated license plate reader data,
6 including the number of requests that resulted in the release of
7 information; the number of out-of-State requests; the number of
8 out-of-State requests that resulted in the release of information; the
9 number of federal requests; and the number of federal requests that
10 resulted in the release of information; 5) any data breaches or
11 unauthorized uses of the automated license plate reader data; and 6)
12 a listing of the audit of the law enforcement agency's use of
13 automated license plate readers and data. The Attorney General is
14 to issue an annual report to the Governor and the Legislature
15 summarizing the information provided by the law enforcement
16 agencies.

17 This bill requires that license plate reader data be retained for a
18 period of two years, after which, the data is to be purged from the
19 law enforcement agency's data storage device or system. However,
20 the bill allows a law enforcement agency to request authorization
21 from the Director of the Division of Criminal Justice to purge data
22 prior to the two-year retention period. The law enforcement agency
23 is required to have good and sufficient cause for purging the data,
24 which may include, but is not limited to, the need to reduce data
25 storage costs.

26 The bill further provides that any automated license plate reader
27 data that is transferred to another agency is required to indicate the
28 date on which the data was collected by the automated license plate
29 reader so that the receiving agency may comply with the two-year
30 retention and purging schedule established under the bill.