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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATEMENT

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

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

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

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

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

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

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