**SENATE BILL 182**
**RATIFIED BILL**

AN ACT TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER SYSTEMS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 20 of the General Statutes is amended by adding a new Article to read:

"Article 3D.
"Automatic License Plate Reader Systems.
"**§ 20-183.22. Definitions.**
    The following definitions apply in this Article:
    (1)    Automatic license plate reader system. – A system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data. This term shall not include a traffic control photographic system, as that term is defined in G.S. 160A-300.1(a), or an open road tolling system, as that term is defined in G.S. 136-89.210(3).
    (2)    Law enforcement agency. – Any agency or officer of the State of North Carolina or any political subdivision thereof who is empowered by the laws of this State to conduct investigations or to make arrests and any attorney, including the Attorney General of North Carolina, authorized by the laws of this State to prosecute or participate in the prosecution of those persons arrested or persons who may be subject to civil actions related to or concerning an arrest.
"**§ 20-183.23. Regulation of use.**
    (a)    Any State or local law enforcement agency using an automatic license plate reader system must adopt a written policy governing its use before the automatic license plate reader system is operational. The policy shall address all of the following:
    (1)    Databases used to compare data obtained by the automatic license plate reader system.
    (2)    Data retention.
    (3)    Sharing of data with other law enforcement agencies.
    (4)    Training of automatic license plate reader system operators.
    (5)    Supervisory oversight of automatic license plate reader system use.
    (6)    Internal data security and access.
    (7)    Annual or more frequent auditing and reporting of automatic license plate reader system use and effectiveness to the head of the agency responsible for operating the system.
    (8)    Accessing data obtained by automatic license plate reader systems not operated by the law enforcement agency.
    (9)    Any other subjects related to automatic license plate reader system use by the agency.
    (b)    Data obtained by a law enforcement agency in accordance with this section or G.S. 20-183.24 shall be obtained, accessed, preserved, or disclosed only for law enforcement or criminal justice purposes.
    (c)    Any law enforcement agency using an automatic license plate reader system must keep maintenance and calibration schedules and records for the system on file.
"**§ 20-183.24. Preservation and disclosure of records.**

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(a)    Captured plate data obtained by an automatic license plate reader system, operated by or on behalf of a law enforcement agency for law enforcement purposes, shall not be preserved for more than 90 days after the date the data is captured.

(b)    Notwithstanding subsection (a) of this section, data obtained by an automatic license plate reader may be preserved for more than 90 days pursuant to any of the following:

 (1)    A preservation request under subsection (c) of this section.
 (2)    A search warrant issued pursuant to Article 11 of Chapter 15A of the General Statutes.
 (3)    A federal search warrant issued in compliance with the Federal Rules of Criminal Procedure.

(c)    Upon the request of a law enforcement agency, the custodian of the captured plate data shall take all necessary steps to immediately preserve captured plate data in its possession. A requesting agency must specify in a written, sworn statement all of the following:

 (1)    The location of the particular camera or cameras for which captured plate data must be preserved and the particular license plate for which captured plate data must be preserved.
 (2)    The date or dates and time frames for which captured plate data must be preserved.
 (3)    Specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing persons investigation or is needed to prove a violation of a motor carrier safety regulation.
 (4)    The case and identity of the parties involved in that case.

After one year from the date of the initial preservation request, the captured plate data obtained by an automatic license plate reader system shall be destroyed according to the custodian's own record or data retention policy, unless the custodian receives within that period another preservation request under this subsection, in which case the retention period established under this subsection shall reset.

(d)    A law enforcement agency that uses an automatic license plate reader system in accordance with G.S. 20-183.23 shall update the system from the databases specified therein every 24 hours if such updates are available or as soon as practicable after such updates become available.

(e)    Captured plate data obtained in accordance with this Article is confidential and not a public record as that term is defined in G.S. 132-1. Data shall not be disclosed except to a federal, State, or local law enforcement agency for a legitimate law enforcement or public safety purpose pursuant to a written request from the requesting agency. Written requests may be in electronic format. Nothing in this subsection shall be construed as requiring the disclosure of captured plate data if a law enforcement agency determines that disclosure will compromise an ongoing investigation. Captured plate data shall not be sold for any purpose."

**SECTION 2.**  This act becomes effective December 1, 2015.

In the General Assembly read three times and ratified this the 30th day of July, 2015.


       s/  Louis M. Pate, Jr.
       Deputy President Pro Tempore of the Senate


       s/  David R. Lewis
       Presiding Officer of the House of Representatives


       _____
       Pat McCrory
       Governor


Approved _____.m. this _____ day of _____, 2015