

**PROPOSED AMENDMENT TO S.B. 1111**  
Fifty-seventh Legislature, Second Regular Session  
Appropriations, Transportation and Technology

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*REFERENCE TITLE: automated license plate readers; privacy protections; citizen oversight*

**SENATE AMENDMENTS TO S.B. 1111**

(Reference to S.B. 1111 as adopted by the Committee on Appropriations, Transportation and Technology)

Amendment instruction key:

[Green underlining in brackets] indicates text added to new session law.

~~[Green strikeout in brackets]~~ indicates text removed from new session law.

<<Green carets>> indicate a section added to the bill.

Plain text indicates unchanged text from the adopted committee version.

Strike everything after the enacting clause and insert:

"Section 1. Title 28, chapter 3, Arizona Revised Statutes, is amended by adding article 23, to read:

**ARTICLE 23. AUTOMATED LICENSE PLATE READERS**

**28-1241. Definitions**

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "AUTOMATED LICENSE PLATE READER" MEANS A TECHNOLOGY THAT PROVIDES STATIONARY OR MOBILE AUTOMATED DETECTION OF LICENSE PLATES AND THAT CAPTURES DATA ASSOCIATED WITH LICENSE PLATES FOR OFFICIAL LAW ENFORCEMENT PURPOSES.

~~[2. "OFFICIAL LAW ENFORCEMENT PURPOSES" INCLUDES THE IDENTIFICATION OF STOLEN OR WANTED VEHICLES, STOLEN LICENSE PLATES, HUMAN TRAFFICKING AND MISSING PERSONS, THE GATHERING OF INFORMATION RELATED TO ACTIVE WARRANTS, SUSPECT INTERDICTION AND STOLEN PROPERTY RECOVERY.]~~

[2. "OFFICIAL LAW ENFORCEMENT PURPOSES" MEANS ONLY THE FOLLOWING:]

[(a) THE IDENTIFICATION OF STOLEN OR WANTED VEHICLES AND STOLEN LICENSE PLATES.]

[(b) THE IDENTIFICATION AND RECOVERY OF MISSING OR ENDANGERED PERSONS, INCLUDING AMBER ALERTS AND SILVER ALERTS.]

[(c) THE INVESTIGATION OF HUMAN TRAFFICKING.]

[(d) THE GATHERING OF INFORMATION RELATED TO ACTIVE WARRANTS.]

[(e) SUSPECT INTERDICTION AND STOLEN PROPERTY RECOVERY IN CONNECTION WITH A DOCUMENTED FELONY INVESTIGATION.]

[(f) CANVASSING LICENSE PLATES IN THE IMMEDIATE VICINITY OF A DOCUMENTED CRIME SCENE.]

[3. "ACTIVE LAW ENFORCEMENT WATCHLIST" MEANS A LIST, DATABASE OR COLLECTION OF LICENSE PLATE NUMBERS MAINTAINED BY A LAW ENFORCEMENT AGENCY OR THE NATIONAL CRIME INFORMATION CENTER THAT IDENTIFIES VEHICLES ASSOCIATED WITH STOLEN VEHICLES, OUTSTANDING FELONY WARRANTS, MISSING OR ENDANGERED PERSONS, AMBER ALERTS, SILVER ALERTS OR HUMAN TRAFFICKING. THE TERM DOES NOT INCLUDE ANY LIST CREATED FOR GENERAL INTELLIGENCE GATHERING, PREDICTIVE POLICING OR ANY PURPOSE NOT ENUMERATED IN THIS PARAGRAPH.]

[4. "CAPTURED PLATE DATA" MEANS ANY DATA COLLECTED BY AN AUTOMATED LICENSE PLATE READER, INCLUDING LICENSE PLATE NUMBERS, IMAGES, GLOBAL POSITIONING SYSTEM COORDINATES, DATES, TIMES, VEHICLE CHARACTERISTICS OR ANY OTHER DATA ASSOCIATED WITH A LICENSE PLATE READ.]

[5. "AGGREGATION" MEANS THE COMPILATION, COMBINATION OR CROSS-REFERENCING OF CAPTURED PLATE DATA FROM MULTIPLE AUTOMATED LICENSE PLATE READERS, MULTIPLE TIME PERIODS OR MULTIPLE SOURCES TO CREATE A PATTERN, PROFILE OR HISTORY OF THE MOVEMENTS OR ACTIVITIES OF A SPECIFIC VEHICLE OR PERSON, OR TO IDENTIFY ALL VEHICLES PRESENT AT A SPECIFIC LOCATION OR WITHIN A SPECIFIC GEOGRAPHIC AREA DURING A SPECIFIC TIME PERIOD.]

[6. "PROFILING" MEANS THE USE OF CAPTURED PLATE DATA TO ANALYZE, PREDICT OR DRAW INFERENCES ABOUT THE BEHAVIOR, ASSOCIATIONS, MOVEMENTS OR CHARACTERISTICS OF A SPECIFIC VEHICLE OWNER OR OPERATOR.]

[7. "VENDOR" MEANS ANY PRIVATE ENTITY, CONTRACTOR, SUBCONTRACTOR OR OTHER PERSON THAT MANUFACTURES, PROVIDES, OPERATES, MAINTAINS OR STORES DATA FOR AN AUTOMATED LICENSE PLATE READER SYSTEM ON BEHALF OF OR UNDER CONTRACT WITH A LAW ENFORCEMENT AGENCY, HOMEOWNERS ASSOCIATION, SCHOOL DISTRICT OR ANY OTHER ENTITY.]

[8. "HOMEOWNERS ASSOCIATION" MEANS ANY ASSOCIATION OF HOMEOWNERS, CONDOMINIUM ASSOCIATION, PLANNED COMMUNITY ASSOCIATION OR OTHER RESIDENTIAL COMMUNITY ASSOCIATION ORGANIZED UNDER THE LAWS OF THIS STATE.]

**28-1242. Automated license plate readers; allowable uses; training; authorized access**

**A. A LAW ENFORCEMENT AGENCY SHALL USE AN AUTOMATED LICENSE PLATE READER ONLY FOR THE FOLLOWING PURPOSES:**

**1. LEGITIMATE AND OFFICIAL LAW ENFORCEMENT PURPOSES.**

~~[2. IN CONJUNCTION WITH ANY PATROL OPERATION OR CRIMINAL LAW ENFORCEMENT INVESTIGATION.]~~

[2. IN CONJUNCTION WITH A CRIMINAL LAW ENFORCEMENT INVESTIGATION SUPPORTED BY A DOCUMENTED CASE NUMBER OR INCIDENT NUMBER RELATING TO A FELONY OFFENSE OR AN OFFENSE ENUMERATED IN SECTION 28-1241, PARAGRAPH 2.]

**3. CANVASSING LICENSE PLATES AROUND ANY CRIME SCENE.**

**4. CHECKING ANY PARTIAL LICENSE PLATE NUMBER REPORTED DURING A MAJOR CRIME TO IDENTIFY PERSONS OF INTEREST.**

[B. AN AUTOMATED LICENSE PLATE READER SHALL NOT BE USED FOR ANY OF THE FOLLOWING PURPOSES:]

[1. CIVIL ASSET FORFEITURE PROCEEDINGS.]

[2. IMMIGRATION ENFORCEMENT OR THE ENFORCEMENT OF ANY FEDERAL CIVIL IMMIGRATION LAW.]

[3. THE ENFORCEMENT OF ANY OFFENSE THAT IS NOT A CRIMINAL OFFENSE UNDER THE LAWS OF THIS STATE.]

[4. THE MONITORING, TRACKING OR SURVEILLANCE OF ANY INDIVIDUAL BASED ON THAT INDIVIDUAL'S RACE, ETHNICITY, NATIONAL ORIGIN, RELIGION, GENDER, SEXUAL ORIENTATION, POLITICAL AFFILIATION, EXERCISE OF RIGHTS PROTECTED UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION, OR PARTICIPATION IN LAWFUL PROTEST OR ASSEMBLY.]

~~[B. IF PRACTICABLE, A LAW ENFORCEMENT OFFICER SHALL VERIFY AN AUTOMATED LICENSE PLATE READER RESPONSE THROUGH AN AUTHORIZED CENTRAL LAW ENFORCEMENT DATABASE THAT IS ACCESSIBLE TO LAW ENFORCEMENT OFFICERS IN THIS STATE BEFORE TAKING ENFORCEMENT ACTION BASED ONLY ON AN ALERT FROM AN AUTOMATED LICENSE PLATE READER.]~~

[C. A POSITIVE MATCH BY AN AUTOMATED LICENSE PLATE READER ALONE SHALL NOT CONSTITUTE REASONABLE SUSPICION AS GROUNDS FOR A LAW ENFORCEMENT OFFICER TO STOP A VEHICLE. BEFORE TAKING ENFORCEMENT

ACTION BASED ON AN ALERT FROM AN AUTOMATED LICENSE PLATE READER, A LAW ENFORCEMENT OFFICER SHALL:]

[1. VISUALLY VERIFY THAT THE LICENSE PLATE ON THE VEHICLE MATCHES THE IMAGE DISPLAYED BY THE AUTOMATED LICENSE PLATE READER.]

[2. CONFIRM THROUGH DISPATCH, THE NATIONAL CRIME INFORMATION CENTER DATABASE OR OTHER INDEPENDENT MEANS THAT THE LICENSE PLATE NUMBER REMAINS ON AN ACTIVE LAW ENFORCEMENT WATCHLIST.]

~~[C.]~~ [D.] AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY MAY NOT OPERATE AN AUTOMATED LICENSE PLATE READER UNTIL THE EMPLOYEE SUCCESSFULLY COMPLETES LAW ENFORCEMENT AGENCY-APPROVED TRAINING FOR THE AUTOMATED LICENSE PLATE READER.

~~[D.]~~ [E.] AN OPERATOR OF AN AUTOMATED LICENSE PLATE READER MAY NOT ACCESS DATA FROM AN AUTHORIZED CENTRAL LAW ENFORCEMENT DATABASE THAT IS ACCESSIBLE TO LAW ENFORCEMENT OFFICERS IN THIS STATE OR A NATIONAL LAW ENFORCEMENT DATABASE UNLESS THE OPERATOR IS AUTHORIZED TO ACCESS THE DATA.

~~[E.]~~ [F.] DATA FROM AN AUTOMATED LICENSE PLATE READER MAY NOT BE ACCESSED UNLESS A TRACKABLE CRIMINAL CASE NUMBER OR A TRACKABLE INCIDENT NUMBER IS PROVIDED FOR THE DATA BEING ACCESSED.

[G. AN AUTOMATED LICENSE PLATE READER SHALL BE INSTALLED AND CONFIGURED FOR THE SOLE PURPOSE OF READING AND CHECKING LICENSE PLATES. AN AUTOMATED LICENSE PLATE READER SHALL NOT BE CAPABLE OF PHOTOGRAPHING, RECORDING OR PRODUCING IMAGES OF THE OCCUPANTS OF A MOTOR VEHICLE.]

**28-1243. Automated license plate readers; data and image collection; requirements; violation; classification**

A. ALL DATA AND IMAGES COLLECTED BY AN AUTOMATED LICENSE PLATE READER ARE FOR OFFICIAL USE BY THE LAW ENFORCEMENT AGENCY THAT COLLECTED THE DATA AND IMAGES.

~~[B. ANY DATA OR IMAGES COLLECTED BY AUTOMATED LICENSE PLATE READERS ARE NOT SUBJECT TO A PUBLIC RECORDS REQUEST, EXCEPT A LAW ENFORCEMENT AGENCY SHALL SHARE ANY DATA OR IMAGES COLLECTED BY AN AUTOMATED LICENSE PLATE READER PURSUANT TO A DULY AUTHORIZED SUBPOENA OR ANY OTHER LAW.]~~

[B. THE FOLLOWING RECORDS RELATED TO AUTOMATED LICENSE PLATE READERS ARE PUBLIC RECORDS SUBJECT TO TITLE 39, CHAPTER 1, ARTICLE 2:]

[1. ALL AGENCY POLICIES AND PROCEDURES GOVERNING THE USE OF AUTOMATED LICENSE PLATE READERS.]

[2. AUDIT LOGS SHOWING THE IDENTITY OF EACH PERSON WHO ACCESSED THE SYSTEM, THE DATE AND TIME OF ACCESS AND THE STATED PURPOSE OF ACCESS.]

[3. AGGREGATE STATISTICAL REPORTS ON SYSTEM USAGE.]

[4. RECORDS OF ANY DISCIPLINARY ACTIONS TAKEN FOR UNAUTHORIZED OR IMPROPER USE OF AUTOMATED LICENSE PLATE READERS.]

[5. MONTHLY AND ANNUAL REPORTS REQUIRED PURSUANT TO SECTION 28-1253.]

C. A LAW ENFORCEMENT AGENCY THAT OPERATES AN AUTOMATED LICENSE PLATE READER IS RESPONSIBLE FOR ENSURING PROPER COLLECTION AND RETENTION OF THE DATA AND IMAGES COLLECTED.

~~[D. A THIRD PARTY THAT INTENTIONALLY RELEASES ANY AUTOMATED LICENSE PLATE READER DATA OR IMAGES WITHOUT AUTHORIZATION FROM THE LAW ENFORCEMENT AGENCY THAT COLLECTED THE DATA IS GUILTY OF A CLASS 1 MISDEMEANOR AND SHALL PAY A FINE OF NOT LESS THAN \$500 PER IMAGE OR DATA RELEASED, EXCEPT THAT A THIRD PARTY THAT PROVIDES AN AUTOMATED LICENSE PLATE READER TO A LAW ENFORCEMENT AGENCY MAY DISCLOSE DATA OR IMAGES COLLECTED BY THE AUTOMATED LICENSE PLATE READER PURSUANT TO A DULY AUTHORIZED SUBPOENA, WARRANT OR COURT ORDER.]~~

[D. CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ARTICLE ARE AS FOLLOWS:]

[1. A PERSON WHO KNOWINGLY ACCESSES, USES OR DISCLOSES CAPTURED PLATE DATA FOR A PURPOSE NOT AUTHORIZED BY THIS ARTICLE IS GUILTY OF A CLASS 6 FELONY.]

[2. A PERSON WHO KNOWINGLY USES CAPTURED PLATE DATA TO STALK, HARASS, INTIMIDATE OR TRACK ANY INDIVIDUAL FOR A PURPOSE NOT AUTHORIZED BY THIS ARTICLE IS GUILTY OF A CLASS 5 FELONY.]

[3. A PERSON WHO KNOWINGLY SELLS OR PROVIDES CAPTURED PLATE DATA TO AN UNAUTHORIZED ENTITY IN VIOLATION OF THIS ARTICLE IS GUILTY OF A CLASS 5 FELONY.]

[4. A PERSON WHO KNOWINGLY CIRCUMVENTS, DISABLES OR INTERFERES WITH THE AUTOMATIC DATA DESTRUCTION MECHANISMS REQUIRED BY SECTION 28-1244 IS GUILTY OF A CLASS 6 FELONY.]

[5. A PERSON WHO RECKLESSLY ACCESSES, USES, DISCLOSES OR FAILS TO DESTROY CAPTURED PLATE DATA IN VIOLATION OF THIS ARTICLE IS GUILTY OF A CLASS 1 MISDEMEANOR.]

[6. A PERSON CONVICTED OF ANY OFFENSE UNDER THIS SUBSECTION SHALL BE PERMANENTLY PROHIBITED FROM ACCESSING ANY AUTOMATED LICENSE PLATE READER SYSTEM IN THIS STATE.]

[E. CAPTURED PLATE DATA OBTAINED, RETAINED, ACCESSED OR SHARED IN VIOLATION OF THIS ARTICLE SHALL NOT BE ADMISSIBLE AS EVIDENCE IN ANY CRIMINAL, CIVIL OR ADMINISTRATIVE PROCEEDING IN THIS STATE. NO EVIDENCE DERIVED DIRECTLY OR INDIRECTLY FROM CAPTURED PLATE DATA OBTAINED IN VIOLATION OF THIS ARTICLE SHALL BE ADMISSIBLE. THIS SUBSECTION APPLIES REGARDLESS OF WHETHER THE VIOLATION WAS COMMITTED BY A LAW ENFORCEMENT OFFICER, A VENDOR OR ANY OTHER PERSON.]

~~[E.]~~ [F.] A LAW ENFORCEMENT AGENCY THAT USES AN AUTOMATED LICENSE PLATE READER SHALL:

1. ENSURE ALL AUTOMATED LICENSE PLATE READER DATA THAT IS DOWNLOADED IS ACCESSIBLE ONLY THROUGH A PASSWORD-PROTECTED SYSTEM CAPABLE OF DOCUMENTING ALL ACCESS INFORMATION BY THE NAME OF THE PERSON WHO ACCESSED THE DATA AND THE DATE AND TIME OF ACCESS.

2. ENSURE ANY PERSON WHO IS APPROVED TO ACCESS AUTOMATED LICENSE PLATE READER DATA AND IMAGES PURSUANT TO THIS ARTICLE IS ALLOWED TO ACCESS THE DATA AND IMAGES ONLY FOR OFFICIAL LAW ENFORCEMENT PURPOSES.

~~[3. RELEASE AUTOMATED LICENSE PLATE READER DATA AND IMAGES TO OTHER AUTHORIZED AND VERIFIED LAW ENFORCEMENT OFFICIALS AND AGENCIES FOR OFFICIAL LAW ENFORCEMENT PURPOSES ONLY IF THE DATE AND TIME OF ACCESS TO, THE REASON FOR ACCESS TO AND THE NAME OF THE AGENCY THAT ACCESSED THE AUTOMATED LICENSE PLATE READER DATA AND IMAGES ARE DOCUMENTED IN THE SYSTEM, UNLESS THE LAW ENFORCEMENT AGENCY'S POLICIES PROHIBIT THE RELEASE OF LICENSE PLATE READER DATA AND IMAGES.]~~

[3. NOT SELL, SHARE, EXCHANGE OR PROVIDE CAPTURED PLATE DATA TO ANY FEDERAL AGENCY, INCLUDING UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, ANY LAW ENFORCEMENT AGENCY OUTSIDE OF THIS STATE, ANY PRIVATE ENTITY OR ANY VENDOR-OPERATED DATA-SHARING NETWORK OR PLATFORM, EXCEPT PURSUANT TO A VALID WARRANT ISSUED BY A COURT OF COMPETENT JURISDICTION OF THIS STATE. A LAW ENFORCEMENT AGENCY MAY SHARE CAPTURED PLATE DATA WITH ANOTHER LAW ENFORCEMENT AGENCY OF THIS STATE ONLY IN CONNECTION WITH A SPECIFIC DOCUMENTED CRIMINAL INVESTIGATION AND ONLY IF THE DATE, TIME, REASON AND NAME OF THE REQUESTING AGENCY ARE DOCUMENTED IN THE SYSTEM.]

4. PERFORM ANNUAL SYSTEM AUDITS OF THE LAW ENFORCEMENT AGENCY'S AUTOMATED LICENSE PLATE READER SYSTEM.

<<28-1244. DATA RETENTION; THIRTY-DAY LIMIT; ACCESS CONTROLS; WARRANT REQUIREMENT FOR EXTENDED RETENTION

A. CAPTURED PLATE DATA SHALL BE AUTOMATICALLY AND PERMANENTLY DESTROYED THIRTY DAYS AFTER THE DATE OF CAPTURE. DATA SHALL NOT BE RETAINED, ARCHIVED, BACKED UP OR TRANSFERRED TO ANY SYSTEM, SERVER OR STORAGE MEDIUM IN A MANNER THAT WOULD ALLOW RETENTION BEYOND THIRTY DAYS WITHOUT A WARRANT AS PRESCRIBED IN SUBSECTION D OF THIS SECTION.

B. DURING THE THIRTY-DAY RETENTION PERIOD, CAPTURED PLATE DATA SHALL BE STORED IN A SECURE, PASSWORD-PROTECTED SYSTEM THAT DOCUMENTS ALL ACCESS BY THE NAME OF THE PERSON WHO ACCESSED THE DATA, THE DATE AND TIME OF ACCESS AND THE STATED PURPOSE OF ACCESS. CAPTURED PLATE DATA MAY ONLY BE ACCESSED IN THE FOLLOWING CIRCUMSTANCES:

1. REAL-TIME ALERT RESPONSE. WHEN AN AUTOMATED LICENSE PLATE READER GENERATES A REAL-TIME POSITIVE MATCH AGAINST AN ACTIVE LAW ENFORCEMENT WATCHLIST, AN ON-DUTY LAW ENFORCEMENT OFFICER MAY IMMEDIATELY ACCESS THE ALERT DATA FOR THE PURPOSE OF VERIFYING THE MATCH AND TAKING APPROPRIATE LAW ENFORCEMENT ACTION PURSUANT TO SECTION 28-1242, SUBSECTION C.

2. RETROACTIVE INVESTIGATIVE QUERY. A LAW ENFORCEMENT OFFICER MAY QUERY STORED CAPTURED PLATE DATA ONLY IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(a) THE QUERY IS IN CONNECTION WITH A SPECIFIC, DOCUMENTED CRIMINAL CASE NUMBER FOR A FELONY OFFENSE OR AN OFFENSE ENUMERATED IN SECTION 28-1241, PARAGRAPH 2.

(b) A SUPERVISOR OF THE RANK OF SERGEANT OR ABOVE HAS APPROVED THE QUERY IN WRITING, INCLUDING THE CASE NUMBER, THE LICENSE PLATE NUMBER OR GEOGRAPHIC AREA TO BE QUERIED, THE TIME PERIOD TO BE QUERIED AND THE FACTUAL BASIS FOR THE QUERY.

(c) THE QUERY, THE SUPERVISOR'S APPROVAL AND THE RESULTS ARE RECORDED IN THE SYSTEM AUDIT LOG.

C. THE FOLLOWING DO NOT CONSTITUTE LAWFUL ACCESS TO STORED CAPTURED PLATE DATA UNDER THIS SECTION:

1. BROWSING, SEARCHING OR VIEWING CAPTURED PLATE DATA WITHOUT A DOCUMENTED CASE NUMBER AND SUPERVISOR APPROVAL.

2. QUERYING CAPTURED PLATE DATA IN CONNECTION WITH A NON-FELONY OFFENSE, A GENERAL INCIDENT NUMBER, A CITATION, A CIVIL MATTER OR A CLAIM THAT THE DATA MAY BE USEFUL IN FUTURE INVESTIGATIONS.

3. QUERYING CAPTURED PLATE DATA TO MONITOR, TRACK OR SURVEIL ANY PERSON NOT IDENTIFIED AS A SUSPECT IN A DOCUMENTED FELONY INVESTIGATION.

D. A LAW ENFORCEMENT AGENCY THAT SEEKS TO RETAIN CAPTURED PLATE DATA BEYOND THIRTY DAYS SHALL OBTAIN A WARRANT FROM A COURT OF COMPETENT JURISDICTION BASED ON PROBABLE CAUSE BEFORE THE EXPIRATION OF THE THIRTY-DAY PERIOD. THE WARRANT SHALL SPECIFY:

1. THE SPECIFIC LICENSE PLATE NUMBERS OR VEHICLES TO WHICH THE DATA RELATES.
2. THE CRIMINAL INVESTIGATION FOR WHICH CONTINUED RETENTION IS SOUGHT.
3. THE FACTS ESTABLISHING PROBABLE CAUSE.
4. THE ADDITIONAL PERIOD OF RETENTION REQUESTED, WHICH SHALL NOT EXCEED NINETY DAYS PER WARRANT.

E. A WARRANT FOR CONTINUED RETENTION MAY BE RENEWED NOT MORE THAN THREE TIMES. FOR EACH RENEWAL, THE LAW ENFORCEMENT AGENCY SHALL DEMONSTRATE TO THE COURT THAT THE PREVIOUSLY RETAINED DATA HAS PRODUCED OR IS REASONABLY EXPECTED TO PRODUCE EVIDENCE RELEVANT TO THE INVESTIGATION. IN NO EVENT SHALL CAPTURED PLATE DATA BE RETAINED FOR MORE THAN ONE YEAR FROM THE DATE OF ORIGINAL CAPTURE, REGARDLESS OF THE NUMBER OF WARRANTS OBTAINED.

F. NO AGENCY, LAW ENFORCEMENT AGENCY, VENDOR OR ANY OTHER ENTITY SHALL CREATE, MAINTAIN OR CONTRIBUTE TO ANY DATABASE OR DATA REPOSITORY CONTAINING CAPTURED PLATE DATA BEYOND THE RETENTION PERIODS AUTHORIZED BY THIS SECTION. THE BULK COLLECTION AND INDEFINITE STORAGE OF LICENSE PLATE LOCATION DATA IS PROHIBITED.>>

<<28-1245. PROHIBITION ON AGGREGATION, PROFILING AND REVERSE LOCATION QUERIES WITHOUT A WARRANT

A. NO LAW ENFORCEMENT AGENCY SHALL ENGAGE IN AGGREGATION OR PROFILING USING CAPTURED PLATE DATA WITHOUT FIRST OBTAINING A WARRANT FROM A COURT OF COMPETENT JURISDICTION BASED ON PROBABLE CAUSE.

B. THE WARRANT REQUIRED PURSUANT TO SUBSECTION A OF THIS SECTION SHALL SPECIFICALLY DESCRIBE:

1. THE VEHICLE OR PERSON THAT IS THE SUBJECT OF THE AGGREGATION OR PROFILING, OR THE SPECIFIC LOCATION AND TIME PERIOD THAT IS THE SUBJECT OF A REVERSE LOCATION QUERY.
2. THE CRIMINAL INVESTIGATION FOR WHICH THE AGGREGATION, PROFILING OR REVERSE LOCATION QUERY IS SOUGHT.
3. THE TIME PERIOD AND GEOGRAPHIC SCOPE OF THE DATA TO BE QUERIED.
4. THE FACTS ESTABLISHING PROBABLE CAUSE TO BELIEVE THE QUERY WILL PRODUCE EVIDENCE OF A CRIME.

C. A LAW ENFORCEMENT AGENCY SHALL NOT CONDUCT WARRANTLESS BULK ANALYSIS, PATTERN-OF-LIFE ANALYSIS, HISTORICAL LOCATION TRACKING OR REVERSE LOCATION QUERIES USING CAPTURED PLATE DATA.

D. FOR PURPOSES OF THIS SECTION, A REVERSE LOCATION QUERY MEANS A QUERY OF CAPTURED PLATE DATA DESIGNED TO IDENTIFY ALL VEHICLES PRESENT AT A SPECIFIC LOCATION OR WITHIN A SPECIFIC GEOGRAPHIC AREA DURING A SPECIFIC TIME PERIOD, REGARDLESS OF WHETHER THE QUERY TARGETS A SPECIFIC VEHICLE OR PERSON.>>

<<28-1246. WATCHLIST GOVERNANCE AND OVERSIGHT

A. EACH ENTRY ON AN ACTIVE LAW ENFORCEMENT WATCHLIST USED IN CONNECTION WITH AN AUTOMATED LICENSE PLATE READER SHALL BE SUPPORTED BY A DOCUMENTED LAW ENFORCEMENT BASIS REFERENCING A SPECIFIC CASE NUMBER, WARRANT NUMBER, NCIC ENTRY OR OTHER OFFICIAL RECORD.

B. EACH ADDITION TO AN ACTIVE LAW ENFORCEMENT WATCHLIST SHALL BE APPROVED IN WRITING BY A SUPERVISOR OF THE RANK OF SERGEANT OR ABOVE AND SHALL BE RECORDED IN THE SYSTEM AUDIT LOG, INCLUDING THE NAME AND BADGE NUMBER OF THE APPROVING SUPERVISOR, THE DATE OF ADDITION, THE CASE NUMBER OR OTHER BASIS AND THE REASON FOR INCLUSION.

C. EACH WATCHLIST ENTRY SHALL AUTOMATICALLY EXPIRE NINETY DAYS AFTER THE DATE OF ADDITION UNLESS RENEWED BY A SUPERVISOR WHO CERTIFIES IN WRITING THAT THE UNDERLYING LAW ENFORCEMENT BASIS REMAINS ACTIVE. AN EXPIRED ENTRY SHALL BE REMOVED FROM THE WATCHLIST AND DOCUMENTED IN THE AUDIT LOG.

D. NO LAW ENFORCEMENT AGENCY SHALL BULK-LOAD LICENSE PLATE NUMBERS ONTO A WATCHLIST FOR THE PURPOSE OF GENERAL INTELLIGENCE GATHERING, PREDICTIVE POLICING OR CREATING A DATABASE OF VEHICLES NOT CONNECTED TO A SPECIFIC CRIMINAL INVESTIGATION.

E. THE ATTORNEY GENERAL SHALL HAVE FULL AUTHORITY TO AUDIT ANY ACTIVE LAW ENFORCEMENT WATCHLIST USED IN CONNECTION WITH AN AUTOMATED LICENSE PLATE READER, INCLUDING THE AUTHORITY TO REVIEW INDIVIDUAL ENTRIES, THE DOCUMENTED LAW ENFORCEMENT BASIS FOR EACH ENTRY AND THE APPROVAL RECORDS REQUIRED BY SUBSECTION B OF THIS SECTION.

F. THE NUMBER OF WATCHLIST ADDITIONS, REMOVALS, EXPIRATIONS AND RENEWALS SHALL BE INCLUDED IN THE MONTHLY REPORTS REQUIRED PURSUANT TO SECTION 28-1253.>>

<<28-1247. VENDOR OBLIGATIONS; DATA DESTRUCTION; PROHIBITED CONDUCT

A. ALL PROVISIONS OF THIS ARTICLE THAT APPLY TO A LAW ENFORCEMENT AGENCY WITH RESPECT TO CAPTURED PLATE DATA SHALL APPLY WITH EQUAL FORCE TO ANY VENDOR THAT PROCESSES, TRANSMITS, STORES OR HAS ACCESS TO CAPTURED PLATE DATA ON BEHALF OF OR UNDER CONTRACT WITH A LAW ENFORCEMENT AGENCY, HOMEOWNERS ASSOCIATION, SCHOOL DISTRICT OR ANY OTHER ENTITY.

B. A VENDOR SHALL NOT:

1. RETAIN ANY COPY, BACKUP, DERIVATIVE OR REPRODUCTION OF CAPTURED PLATE DATA COLLECTED IN THIS STATE BEYOND THE RETENTION PERIODS AUTHORIZED BY SECTION 28-1244.
2. AGGREGATE CAPTURED PLATE DATA COLLECTED IN THIS STATE WITH DATA COLLECTED IN ANY OTHER JURISDICTION OR FROM ANY OTHER SOURCE.
3. SHARE, SELL, LICENSE, PROVIDE ACCESS TO OR OTHERWISE MAKE AVAILABLE CAPTURED PLATE DATA COLLECTED IN THIS STATE TO ANY PERSON, ENTITY, LAW ENFORCEMENT AGENCY OR DATA-SHARING NETWORK OTHER THAN THE CONTRACTING ENTITY, EXCEPT PURSUANT TO A VALID WARRANT ISSUED BY A COURT OF COMPETENT JURISDICTION OF THIS STATE.
4. USE CAPTURED PLATE DATA COLLECTED IN THIS STATE FOR ANY COMMERCIAL PURPOSE, INCLUDING THE DEVELOPMENT, TRAINING OR IMPROVEMENT OF ANY PRODUCT, ALGORITHM OR SERVICE.
5. MAINTAIN A DATABASE OR DATA REPOSITORY OF CAPTURED PLATE DATA COLLECTED IN THIS STATE THAT IS ACCESSIBLE TO PERSONS OR ENTITIES OTHER THAN THE CONTRACTING ENTITY.

C. EVERY CONTRACT BETWEEN ANY ENTITY AND A VENDOR FOR THE PROVISION OF AUTOMATED LICENSE PLATE READER SERVICES SHALL INCLUDE:

1. A REQUIREMENT THAT THE VENDOR COMPLY WITH ALL PROVISIONS OF THIS ARTICLE.
2. A REQUIREMENT THAT THE VENDOR CERTIFY IN WRITING ON A QUARTERLY BASIS THAT ALL CAPTURED PLATE DATA REQUIRED TO BE DESTROYED PURSUANT TO SECTION 28-1244 HAS BEEN PERMANENTLY DESTROYED FROM ALL SERVERS, BACKUPS AND STORAGE MEDIA.
3. A REQUIREMENT THAT THE VENDOR SUBMIT TO AUDIT BY THE ATTORNEY GENERAL PURSUANT TO SECTION 28-1253.
4. A PROVISION THAT VIOLATION OF THIS ARTICLE BY THE VENDOR SHALL CONSTITUTE A MATERIAL BREACH OF THE CONTRACT AND GROUNDS FOR IMMEDIATE TERMINATION.

D. A VENDOR THAT VIOLATES ANY PROVISION OF THIS SECTION IS SUBJECT TO THE CRIMINAL PENALTIES PRESCRIBED IN SECTION 28-1243, SUBSECTION D AND

THE CIVIL PENALTIES AND PRIVATE RIGHT OF ACTION PRESCRIBED IN SECTION 28-1255.>>

<<28-1248. PRIVATE AUTOMATED LICENSE PLATE READER SYSTEMS; LAW ENFORCEMENT ACCESS

A. NO LAW ENFORCEMENT OFFICER SHALL ACCESS, QUERY OR REQUEST INFORMATION FROM ANY AUTOMATED LICENSE PLATE READER SYSTEM OR DATABASE THAT IS OWNED OR OPERATED BY A PRIVATE ENTITY, INCLUDING A HOMEOWNERS ASSOCIATION, A PRIVATE BUSINESS, A PRIVATE SECURITY COMPANY OR A VENDOR, WITHOUT FIRST OBTAINING A WARRANT FROM A COURT OF COMPETENT JURISDICTION BASED ON PROBABLE CAUSE.

B. CAPTURED PLATE DATA OBTAINED FROM A PRIVATE AUTOMATED LICENSE PLATE READER SYSTEM BY ANY MEANS, INCLUDING VERBAL COMMUNICATION, WRITTEN COMMUNICATION, ELECTRONIC TRANSMISSION OR DIRECT OBSERVATION OF A PRIVATE SYSTEM'S DISPLAY, SHALL BE SUBJECT TO ALL OF THE RESTRICTIONS, REQUIREMENTS AND PENALTIES OF THIS ARTICLE AS IF THE DATA HAD BEEN COLLECTED DIRECTLY BY THE LAW ENFORCEMENT AGENCY.

C. A PRIVATE ENTITY THAT VOLUNTARILY PROVIDES CAPTURED PLATE DATA TO A LAW ENFORCEMENT AGENCY WITHOUT A WARRANT SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN FIFTY THOUSAND DOLLARS PER VIOLATION. THIS SUBSECTION DOES NOT APPLY TO DATA PROVIDED PURSUANT TO A VALID WARRANT, SUBPOENA OR COURT ORDER.

D. NO LAW ENFORCEMENT AGENCY SHALL ENTER INTO ANY AGREEMENT, MEMORANDUM OF UNDERSTANDING OR OTHER ARRANGEMENT THAT PROVIDES THE AGENCY WITH DIRECT OR INDIRECT ACCESS TO A PRIVATE AUTOMATED LICENSE PLATE READER SYSTEM OR DATABASE WITHOUT A WARRANT FOR EACH SPECIFIC QUERY.>>

<<28-1249. HOMEOWNERS ASSOCIATION AUTOMATED LICENSE PLATE READER SYSTEMS; REQUIREMENTS

A. A HOMEOWNERS ASSOCIATION THAT DEPLOYS, OPERATES OR CONTRACTS FOR THE OPERATION OF AN AUTOMATED LICENSE PLATE READER SYSTEM SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

1. THE HOMEOWNERS ASSOCIATION SHALL OBTAIN APPROVAL FROM A MAJORITY OF THE HOMEOWNERS IN THE ASSOCIATION BY RECORDED VOTE BEFORE DEPLOYING OR CONTRACTING FOR AN AUTOMATED LICENSE PLATE READER SYSTEM. THE VOTE SHALL BE CONDUCTED AT A PROPERLY NOTICED MEETING OR BY WRITTEN BALLOT AND THE RESULTS SHALL BE RECORDED IN THE ASSOCIATION'S OFFICIAL MINUTES.

2. CAPTURED PLATE DATA COLLECTED BY OR ON BEHALF OF A HOMEOWNERS ASSOCIATION SHALL BE RETAINED FOR NOT MORE THAN

THIRTY DAYS FROM THE DATE OF CAPTURE AND SHALL BE AUTOMATICALLY AND PERMANENTLY DESTROYED AT THE EXPIRATION OF THAT PERIOD.

3. CAPTURED PLATE DATA COLLECTED BY OR ON BEHALF OF A HOMEOWNERS ASSOCIATION SHALL NOT BE SHARED, SOLD, PROVIDED OR MADE ACCESSIBLE TO ANY LAW ENFORCEMENT AGENCY, FEDERAL AGENCY, PRIVATE ENTITY OR ANY OTHER PERSON EXCEPT PURSUANT TO A VALID WARRANT ISSUED BY A COURT OF COMPETENT JURISDICTION BASED ON PROBABLE CAUSE.

4. CAPTURED PLATE DATA COLLECTED BY OR ON BEHALF OF A HOMEOWNERS ASSOCIATION SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN THE SECURITY OF THE PRIVATE PROPERTY OWNED OR MANAGED BY THE ASSOCIATION.

5. THE HOMEOWNERS ASSOCIATION SHALL POST CLEAR AND CONSPICUOUS SIGNAGE AT ALL VEHICLE ENTRANCES TO THE COMMUNITY NOTIFYING RESIDENTS AND VISITORS THAT AN AUTOMATED LICENSE PLATE READER SYSTEM IS IN OPERATION.

6. THE HOMEOWNERS ASSOCIATION SHALL ADOPT AND MAKE AVAILABLE TO ALL MEMBERS A WRITTEN POLICY GOVERNING THE USE, RETENTION AND DESTRUCTION OF CAPTURED PLATE DATA.

7. ANY RESIDENT OF THE COMMUNITY MAY SUBMIT A WRITTEN REQUEST TO THE HOMEOWNERS ASSOCIATION TO DETERMINE WHETHER CAPTURED PLATE DATA ASSOCIATED WITH THE RESIDENT'S VEHICLE EXISTS IN THE SYSTEM AND TO REQUEST DELETION OF SUCH DATA. THE ASSOCIATION SHALL RESPOND WITHIN TEN BUSINESS DAYS.

B. ANY CONTRACT BETWEEN A HOMEOWNERS ASSOCIATION AND A VENDOR FOR THE PROVISION OF AUTOMATED LICENSE PLATE READER SERVICES SHALL COMPLY WITH ALL REQUIREMENTS OF SECTION 28-1247 AND SHALL INCLUDE:

1. A PROHIBITION ON THE VENDOR SHARING CAPTURED PLATE DATA WITH ANY LAW ENFORCEMENT AGENCY WITHOUT A WARRANT.

2. A PROHIBITION ON THE VENDOR AGGREGATING CAPTURED PLATE DATA FROM THE HOMEOWNERS ASSOCIATION WITH DATA FROM ANY OTHER SOURCE.

3. A REQUIREMENT THAT THE VENDOR DESTROY ALL CAPTURED PLATE DATA WITHIN THIRTY DAYS OF CAPTURE.

4. A PROVISION GRANTING THE HOMEOWNERS ASSOCIATION THE RIGHT TO AUDIT THE VENDOR'S COMPLIANCE WITH THIS SECTION.

C. A HOMEOWNERS ASSOCIATION THAT OPERATES AN AUTOMATED LICENSE PLATE READER SYSTEM IN VIOLATION OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN FIFTY THOUSAND DOLLARS PER VIOLATION. EACH DAY THAT A VIOLATION CONTINUES CONSTITUTES A SEPARATE OFFENSE.

D. THE ATTORNEY GENERAL MAY INVESTIGATE COMPLAINTS REGARDING HOMEOWNERS ASSOCIATION AUTOMATED LICENSE PLATE READER SYSTEMS AND MAY BRING A CIVIL ACTION TO ENFORCE THIS SECTION.>>

<<28-1250. SCHOOL DISTRICT AUTOMATED LICENSE PLATE READER SYSTEMS; REQUIREMENTS

A. A SCHOOL DISTRICT OR CHARTER SCHOOL THAT DEPLOYS, OPERATES OR CONTRACTS FOR THE OPERATION OF AN AUTOMATED LICENSE PLATE READER SYSTEM SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

1. THE GOVERNING BOARD OF THE SCHOOL DISTRICT OR THE GOVERNING BODY OF THE CHARTER SCHOOL SHALL APPROVE THE DEPLOYMENT OF AN AUTOMATED LICENSE PLATE READER SYSTEM BY A RECORDED VOTE AT A PUBLIC MEETING AFTER PROVIDING AT LEAST THIRTY DAYS' NOTICE TO PARENTS, GUARDIANS AND STAFF.

2. AN AUTOMATED LICENSE PLATE READER SYSTEM OPERATED BY OR ON BEHALF OF A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BE USED SOLELY FOR THE PURPOSE OF CAMPUS SECURITY AND THE SAFETY OF STUDENTS, STAFF AND VISITORS.

3. THE AUTOMATED LICENSE PLATE READER SYSTEM SHALL BE CONFIGURED TO CAPTURE ONLY LICENSE PLATE DATA AND SHALL NOT BE CAPABLE OF PHOTOGRAPHING, RECORDING OR PRODUCING IMAGES OF THE OCCUPANTS OF A MOTOR VEHICLE, INCLUDING STUDENTS.

4. CAPTURED PLATE DATA COLLECTED BY OR ON BEHALF OF A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL BE RETAINED FOR NOT MORE THAN THIRTY DAYS FROM THE DATE OF CAPTURE AND SHALL BE AUTOMATICALLY AND PERMANENTLY DESTROYED AT THE EXPIRATION OF THAT PERIOD.

5. CAPTURED PLATE DATA COLLECTED BY OR ON BEHALF OF A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOT BE SHARED, SOLD, PROVIDED OR MADE ACCESSIBLE TO ANY LAW ENFORCEMENT AGENCY, FEDERAL AGENCY, PRIVATE ENTITY OR ANY OTHER PERSON EXCEPT PURSUANT TO A VALID WARRANT ISSUED BY A COURT OF COMPETENT JURISDICTION BASED ON PROBABLE CAUSE.

6. CAPTURED PLATE DATA SHALL NOT BE USED TO MONITOR, TRACK OR DISCIPLINE STUDENTS, PARENTS OR STAFF FOR ANY PURPOSE UNRELATED TO AN IMMEDIATE AND DOCUMENTED THREAT TO CAMPUS SECURITY.

7. CLEAR AND CONSPICUOUS SIGNAGE SHALL BE POSTED AT ALL VEHICLE ENTRANCES TO THE SCHOOL CAMPUS NOTIFYING VISITORS THAT AN AUTOMATED LICENSE PLATE READER SYSTEM IS IN OPERATION.

8. THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL ADOPT AND MAKE PUBLICLY AVAILABLE A WRITTEN POLICY GOVERNING THE USE, RETENTION AND DESTRUCTION OF CAPTURED PLATE DATA.

B. ANY CONTRACT BETWEEN A SCHOOL DISTRICT OR CHARTER SCHOOL AND A VENDOR FOR THE PROVISION OF AUTOMATED LICENSE PLATE READER SERVICES SHALL COMPLY WITH ALL REQUIREMENTS OF SECTION 28-1247 AND SHALL INCLUDE:

1. A PROHIBITION ON THE VENDOR SHARING CAPTURED PLATE DATA WITH ANY LAW ENFORCEMENT AGENCY WITHOUT A WARRANT.
2. A PROHIBITION ON THE VENDOR AGGREGATING CAPTURED PLATE DATA FROM THE SCHOOL DISTRICT OR CHARTER SCHOOL WITH DATA FROM ANY OTHER SOURCE.
3. A REQUIREMENT THAT THE VENDOR DESTROY ALL CAPTURED PLATE DATA WITHIN THIRTY DAYS OF CAPTURE.
4. A PROHIBITION ON THE VENDOR USING CAPTURED PLATE DATA FOR ANY COMMERCIAL PURPOSE, INCLUDING THE DEVELOPMENT, TRAINING OR IMPROVEMENT OF ANY PRODUCT, ALGORITHM OR SERVICE.
5. A PROVISION GRANTING THE SCHOOL DISTRICT OR CHARTER SCHOOL AND THE ATTORNEY GENERAL THE RIGHT TO AUDIT THE VENDOR'S COMPLIANCE WITH THIS SECTION.

C. CAPTURED PLATE DATA COLLECTED BY OR ON BEHALF OF A SCHOOL DISTRICT OR CHARTER SCHOOL IS A STUDENT RECORD FOR PURPOSES OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (20 UNITED STATES CODE SECTION 1232g) TO THE EXTENT THAT IT IDENTIFIES OR CAN BE USED TO IDENTIFY A STUDENT OR THE STUDENT'S FAMILY AND SHALL BE AFFORDED ALL PROTECTIONS REQUIRED BY THAT ACT.

D. A SCHOOL DISTRICT OR CHARTER SCHOOL THAT OPERATES AN AUTOMATED LICENSE PLATE READER SYSTEM IN VIOLATION OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN FIVE THOUSAND DOLLARS AND NOT MORE THAN FIFTY THOUSAND DOLLARS PER VIOLATION.

E. THE ATTORNEY GENERAL MAY INVESTIGATE COMPLAINTS REGARDING SCHOOL DISTRICT AND CHARTER SCHOOL AUTOMATED LICENSE PLATE READER SYSTEMS AND MAY BRING A CIVIL ACTION TO ENFORCE THIS SECTION.>>

<<28-1251. LOCAL CONTROL; PROHIBITION ON STATE REPLACEMENT OF REMOVED SYSTEMS

A. A CITY, TOWN OR COUNTY MAY BY ORDINANCE OR RESOLUTION PROHIBIT THE DEPLOYMENT OR OPERATION OF AUTOMATED LICENSE PLATE READERS WITHIN ITS JURISDICTIONAL BOUNDARIES.

B. IF A CITY, TOWN OR COUNTY REMOVES, DEACTIVATES OR PROHIBITS THE USE OF AUTOMATED LICENSE PLATE READERS WITHIN ITS JURISDICTIONAL BOUNDARIES BY OFFICIAL ACTION OF ITS GOVERNING BODY, NO OTHER LAW ENFORCEMENT AGENCY, INCLUDING A COUNTY SHERIFF, THE MARICOPA COUNTY SHERIFF'S OFFICE, THE DEPARTMENT OF PUBLIC SAFETY OR ANY

OTHER STATE AGENCY, SHALL DEPLOY, OPERATE OR MAINTAIN AUTOMATED LICENSE PLATE READERS WITHIN THOSE SAME BOUNDARIES.

C. SUBSECTION B OF THIS SECTION DOES NOT PROHIBIT A STATE OR COUNTY LAW ENFORCEMENT AGENCY FROM OPERATING MOBILE AUTOMATED LICENSE PLATE READERS ON INTERSTATE HIGHWAYS THAT PASS THROUGH A JURISDICTION THAT HAS PROHIBITED AUTOMATED LICENSE PLATE READERS, PROVIDED THAT:

1. THE MOBILE READERS ARE USED SOLELY FOR OFFICIAL LAW ENFORCEMENT PURPOSES AS DEFINED IN SECTION 28-1241, PARAGRAPH 2.

2. THE NUMBER OF MOBILE READERS DEPLOYED WITHIN THE JURISDICTION DOES NOT EXCEED THE NUMBER DEPLOYED ON THE SAME HIGHWAYS BEFORE THE LOCAL PROHIBITION WAS ENACTED.

3. THE MOBILE READERS ARE NOT DEPLOYED ON STATE HIGHWAYS, STATE ROUTES, COUNTY ROADS OR ANY ROAD OTHER THAN AN INTERSTATE HIGHWAY WITHIN THE JURISDICTION.>>

<<28-1252. TRANSPARENCY PORTAL; CITIZEN DATA ACCESS; DATA REMOVAL; CAMERA LOCATIONS

A. EACH LAW ENFORCEMENT AGENCY THAT USES AN AUTOMATED LICENSE PLATE READER SHALL ESTABLISH AND MAINTAIN A PUBLICLY ACCESSIBLE ONLINE TRANSPARENCY PORTAL THAT DISPLAYS:

1. THE LOCATION OF EACH FIXED AUTOMATED LICENSE PLATE READER DEVICE, IDENTIFIED BY INTERSECTION OR ADDRESS.

2. THE TOTAL NUMBER OF LICENSE PLATES SCANNED IN THE PRECEDING MONTH.

3. THE NUMBER OF POSITIVE MATCHES GENERATED.

4. THE NUMBER OF RETROACTIVE INVESTIGATIVE QUERIES CONDUCTED PURSUANT TO SECTION 28-1244, SUBSECTION B, PARAGRAPH 2.

5. THE NUMBER OF VEHICLE STOPS, SEARCHES, ARRESTS AND OTHER LAW ENFORCEMENT ACTIONS RESULTING FROM AUTOMATED LICENSE PLATE READER ALERTS.

6. ANY KNOWN INSTANCES OF SYSTEM ERRORS, FALSE POSITIVES OR DATA BREACHES.

7. THE IDENTITY OF EVERY LAW ENFORCEMENT AGENCY, GOVERNMENTAL ENTITY OR OTHER PARTY WITH WHICH THE AGENCY HAS SHARED CAPTURED PLATE DATA DURING THE PRECEDING MONTH, INCLUDING THE DATE OF EACH INSTANCE OF SHARING, THE STATED PURPOSE AND THE LEGAL AUTHORITY UNDER WHICH THE DATA WAS SHARED.

B. A RESIDENT OF THIS STATE MAY SUBMIT A WRITTEN REQUEST TO ANY LAW ENFORCEMENT AGENCY TO DETERMINE WHETHER CAPTURED PLATE DATA

ASSOCIATED WITH THE RESIDENT'S VEHICLE OR LICENSE PLATE EXISTS IN THE AGENCY'S SYSTEM. THE AGENCY SHALL RESPOND WITHIN FIFTEEN BUSINESS DAYS AND SHALL PROVIDE:

1. CONFIRMATION OF WHETHER ANY CAPTURED PLATE DATA ASSOCIATED WITH THE RESIDENT'S LICENSE PLATE EXISTS.
2. IF DATA EXISTS, THE DATES, TIMES AND GENERAL LOCATIONS OF EACH RECORDED INSTANCE.
3. WHETHER THE DATA HAS BEEN ACCESSED BY ANY PERSON AND, IF SO, THE DATE, TIME AND PURPOSE OF EACH ACCESS.

C. A RESIDENT OF THIS STATE MAY REQUEST THE DELETION OF ANY CAPTURED PLATE DATA ASSOCIATED WITH THE RESIDENT'S VEHICLE OR LICENSE PLATE THAT IS NOT ASSOCIATED WITH AN ACTIVE CRIMINAL INVESTIGATION. THE LAW ENFORCEMENT AGENCY SHALL COMPLY WITH THE DELETION REQUEST WITHIN TEN BUSINESS DAYS AND SHALL CONFIRM THE DELETION IN WRITING.

D. THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE THE DISCLOSURE OF CAPTURED PLATE DATA THAT IS PART OF AN ACTIVE AND ONGOING CRIMINAL INVESTIGATION, BUT THE AGENCY SHALL INFORM THE REQUESTING RESIDENT THAT DATA IS BEING WITHHELD PURSUANT TO AN ACTIVE INVESTIGATION WITHOUT DISCLOSING THE DETAILS OF THE INVESTIGATION. AN AGENCY MAY WITHHOLD DATA PURSUANT TO THIS SUBSECTION FOR NOT MORE THAN ONE YEAR FROM THE DATE OF THE REQUEST. IF THE INVESTIGATION REMAINS ACTIVE AFTER ONE YEAR, THE AGENCY SHALL PROVIDE THE REQUESTING RESIDENT WITH ALL DATA RESPONSIVE TO THE REQUEST, REDACTED AS NECESSARY TO PROTECT THE INTEGRITY OF THE INVESTIGATION, WITHIN THIRTY DAYS OF THE EXPIRATION OF THE ONE-YEAR PERIOD.>>

<<28-1253. MONTHLY AND ANNUAL REPORTING; INDEPENDENT OVERSIGHT; ATTORNEY GENERAL AUTHORITY

A. EACH LAW ENFORCEMENT AGENCY THAT USES AN AUTOMATED LICENSE PLATE READER SHALL SUBMIT A MONTHLY REPORT TO THE ATTORNEY GENERAL THAT INCLUDES:

1. THE NUMBER OF AUTOMATED LICENSE PLATE READER DEVICES IN OPERATION AND THEIR LOCATIONS.
2. THE TOTAL NUMBER OF LICENSE PLATES SCANNED.
3. THE NUMBER OF POSITIVE MATCHES GENERATED.
4. THE NUMBER OF RETROACTIVE INVESTIGATIVE QUERIES CONDUCTED AND THE FELONY CASE NUMBERS ASSOCIATED WITH EACH QUERY.
5. THE NUMBER OF WATCHLIST ADDITIONS, REMOVALS, EXPIRATIONS AND RENEWALS PURSUANT TO SECTION 28-1246.
6. THE NUMBER OF WARRANTS OBTAINED FOR EXTENDED RETENTION PURSUANT TO SECTION 28-1244, SUBSECTION D.

7. THE NUMBER OF WARRANTS OBTAINED FOR AGGREGATION OR PROFILING PURSUANT TO SECTION 28-1245.

8. THE NUMBER OF CITIZEN DATA ACCESS REQUESTS RECEIVED AND PROCESSED PURSUANT TO SECTION 28-1252.

9. THE NUMBER OF DATA DELETION REQUESTS RECEIVED AND PROCESSED.

10. ANY INSTANCES OF UNAUTHORIZED ACCESS, MISUSE OR POLICY VIOLATIONS AND THE DISCIPLINARY OR CRIMINAL ACTIONS TAKEN.

B. A LAW ENFORCEMENT AGENCY THAT FAILS TO SUBMIT A MONTHLY REPORT WITHIN THIRTY DAYS AFTER THE REPORTING DEADLINE SHALL IMMEDIATELY SUSPEND ALL USE OF AUTOMATED LICENSE PLATE READERS UNTIL THE REPORT IS FILED WITH AND ACCEPTED BY THE ATTORNEY GENERAL. CONTINUED OPERATION OF AN AUTOMATED LICENSE PLATE READER DURING A SUSPENSION CONSTITUTES A VIOLATION OF THIS ARTICLE.

C. THE ATTORNEY GENERAL SHALL COMPILE THE MONTHLY REPORTS INTO AN ANNUAL STATEWIDE SUMMARY AND SHALL SUBMIT THE SUMMARY TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE GOVERNOR ON OR BEFORE MARCH 1 OF EACH YEAR. THE SUMMARY SHALL BE A PUBLIC RECORD AND SHALL BE POSTED ON THE ATTORNEY GENERAL'S PUBLICLY AVAILABLE WEBSITE.

D. THE ATTORNEY GENERAL SHALL CONDUCT AT LEAST ONE AUDIT PER YEAR OF EACH LAW ENFORCEMENT AGENCY OPERATING AN AUTOMATED LICENSE PLATE READER. THE AUDIT SHALL INCLUDE EXAMINATION OF THE AUTOMATED LICENSE PLATE READER DEVICES, ALL SERVERS USED TO STORE CAPTURED PLATE DATA, ALL VENDOR SYSTEMS AND RECORDS, AND ALL RECORDS PERTAINING TO THE USE OF AUTOMATED LICENSE PLATE READERS, INCLUDING WATCHLIST ENTRIES, RETROACTIVE QUERY APPROVALS AND SUPERVISOR AUTHORIZATION RECORDS.

E. THE ATTORNEY GENERAL MAY SEEK INJUNCTIVE RELIEF IN SUPERIOR COURT, INCLUDING AN ORDER PROHIBITING THE USE OF AUTOMATED LICENSE PLATE READERS BY ANY AGENCY, LAW ENFORCEMENT AGENCY OR VENDOR FOUND TO BE IN VIOLATION OF THIS ARTICLE.>>

<<28-1254. CITIZEN ACCESS TO OWN DATA; FREEDOM OF INFORMATION

A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A PERSON HAS THE RIGHT TO OBTAIN, PURSUANT TO A PUBLIC RECORDS REQUEST UNDER TITLE 39, CHAPTER 1, ARTICLE 2, ANY AND ALL CAPTURED PLATE DATA, IMAGES AND ASSOCIATED RECORDS PERTAINING TO THAT PERSON'S OWN VEHICLE OR LICENSE PLATE, INCLUDING:

1. ALL IMAGES CAPTURED OF THE PERSON'S VEHICLE BY AN AUTOMATED LICENSE PLATE READER.

2. THE DATES, TIMES AND LOCATIONS OF EACH CAPTURE.

3. A LOG OF EVERY PERSON AND AGENCY THAT ACCESSED DATA RELATED TO THE PERSON'S VEHICLE OR LICENSE PLATE, INCLUDING THE DATE, TIME AND STATED PURPOSE OF EACH ACCESS.

4. WHETHER THE PERSON'S DATA WAS SHARED WITH ANY OTHER AGENCY OR ENTITY AND, IF SO, THE IDENTITY OF EACH RECIPIENT.

B. A LAW ENFORCEMENT AGENCY SHALL RESPOND TO A REQUEST PURSUANT TO SUBSECTION A OF THIS SECTION WITHIN FIFTEEN BUSINESS DAYS. THE AGENCY MAY NOT CHARGE A FEE FOR THE FIRST REQUEST IN ANY TWELVE-MONTH PERIOD.

C. A LAW ENFORCEMENT AGENCY SHALL NOT DENY A REQUEST PURSUANT TO THIS SECTION ON THE GROUNDS THAT CAPTURED PLATE DATA IS EXEMPT FROM PUBLIC RECORDS DISCLOSURE. THE PROVISIONS OF SECTION 28-1243, SUBSECTION B DO NOT APPLY TO A PERSON'S REQUEST FOR THE PERSON'S OWN DATA.>>

<<28-1255. PRIVATE RIGHT OF ACTION; DAMAGES

A. A PERSON WHOSE CAPTURED PLATE DATA IS COLLECTED, RETAINED, ACCESSED, SHARED OR USED IN VIOLATION OF THIS ARTICLE MAY BRING A CIVIL ACTION IN SUPERIOR COURT AGAINST THE RESPONSIBLE AGENCY, LAW ENFORCEMENT AGENCY, HOMEOWNERS ASSOCIATION, SCHOOL DISTRICT, VENDOR OR PERSON FOR:

1. ACTUAL DAMAGES.
2. STATUTORY DAMAGES OF NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS PER VIOLATION.
3. REASONABLE ATTORNEY FEES AND COSTS.
4. INJUNCTIVE RELIEF, INCLUDING AN ORDER REQUIRING THE DESTRUCTION OF DATA COLLECTED IN VIOLATION OF THIS ARTICLE.

B. EACH INSTANCE OF UNAUTHORIZED COLLECTION, RETENTION, ACCESS, SHARING OR USE OF A PERSON'S CAPTURED PLATE DATA CONSTITUTES A SEPARATE VIOLATION FOR PURPOSES OF THIS SECTION.

C. SOVEREIGN IMMUNITY AND QUALIFIED IMMUNITY SHALL NOT BE A DEFENSE TO A CIVIL ACTION BROUGHT PURSUANT TO THIS SECTION.>>

<<28-1256. REPEAL

THIS ARTICLE IS REPEALED FROM AND AFTER JANUARY 1, 2029.">>

Amend title to conform