

ASSEMBLY, No. 1880

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

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SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/17/2016)

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 operated
36 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. The stored data of an automated license plate reader shall
12 not be destroyed by any law enforcement agency that utilizes an
13 automated license plate reader. The stored data shall only be
14 accessible to the law enforcement agency during the running of the
15 statute of limitations of the offense being investigated.

16
17 5. This act shall take effect on the first day of seventh month
18 after enactment.

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20

21 STATEMENT

22

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

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

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

35 The bill also requires every law enforcement agency that utilizes
36 an automated license plate reader to submit an annual report to the
37 Attorney General, which is required to contain the following
38 information: 1) the number of automated license plate readers being
39 operated by the law enforcement agency; 2) the number of readings
40 made by the law enforcement agency using automated license plate
41 readers; 3) the number of readings being stored by the law
42 enforcement agency; 4) the number of requests made to the law
43 enforcement agency for automated license plate reader data,
44 including the number of requests that resulted in the release of
45 information; the number of out-of-State requests; the number of
46 out-of-State requests that resulted in the release of information; the
47 number of federal requests; and the number of federal requests that
48 resulted in the release of information; 5) any data breaches or

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1 unauthorized uses of the automated license plate reader data; and 6)
2 a listing of the audit of the law enforcement agency's use of
3 automated license plate readers and data. The Attorney General is
4 to issue an annual report to the Governor and the Legislature
5 summarizing the information provided by the law enforcement
6 agencies.

7 Finally, the bill provides that automated license plate reader data
8 is not to be destroyed by any law enforcement agency that utilizes
9 an automated license plate reader. Further, the stored data is only
10 to be accessible to the law enforcement agency during the running
11 of the statute of limitations of the offense being investigated.