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The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

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DIGEST

SB 54 Reengrossed                      2016 Regular Session                      Johns

Proposed law creates and provides relative to a program for using an automatic license plate recognition system to identify uninsured motorists and stolen vehicles.

Proposed law provides that the automatic license plate recognition system may be used as follows:

- (1) If a law enforcement officer is able to determine that a motor vehicle is stolen or that the owner of a motor vehicle lacks the compulsory insurance required by present law, the determination constitutes probable cause to arrest the operator of the stolen motor vehicle or to issue a citation to the owner of the motor vehicle for the compulsory insurance violation.
- (2) A law enforcement officer may verify by sworn affidavit that a photograph generated by an automatic license plate reader system unit identifies a particular vehicle operating on a public highway and that the database shows that the vehicle was uninsured or stolen at the time such vehicle was being operated, which affidavit constitutes probable cause for prosecution under any applicable present law.

Proposed law authorizes the sheriff's office in each parish of the state, in cooperation with that parish's district attorney's office to participate in the program by entering into an agreement to participate with appropriate agencies and other entities in each jurisdiction. Further authorizes participating law enforcement agencies to enter contractual agreements with other entities as necessary to implement the program.

Proposed law authorizes the use of automatic license plate recognition systems, utilizing individual automatic license plate reader system units, by participating law enforcement agencies and other entities with which those law enforcement agencies contract to implement and operate the program. Proposed law provides that an authorized user may use an automated license plate recognition system only for the official and legitimate purposes of the user's employer.

Proposed law defines "active data", "authorized user", "automatic license plate recognition system", "captured plate data", "historical data", "law enforcement agency", "legitimate purpose", "other entity", "participating law enforcement agency", and "pilot program" or "program".

Proposed law provides that a central database for the collection, storage, and dissemination of data captured by an automatic license plate recognition system is to be established and operated by the participating law enforcement agencies, must be located in a secure area, and shall fully comply with all National Law Enforcement Telecommunications System (Nlets) and FBI hosting and security standards. Further provides that access to the database is to be restricted to authorized law enforcement agency users and to entities with whom the law enforcement agencies contract to establish and operate the program.

Proposed law provides that the Dept. of Public Safety and Corrections, public safety services, are to allow access to the vehicle registration and compulsory motor vehicle insurance databases to be used only in connection with the automatic license plate recognition system established pursuant to proposed law.

Proposed law requires the Dept. of Public Safety and Corrections, public safety services to allow access to the data from the databases in accordance with a memorandum of

understanding to be executed between the department, sheriffs, and district attorneys in the state.

Proposed law provides that data collected or retained through the use of an automated license plate recognition system may be retained by a law enforcement agency for not more than 60 days, except when the data is being used as evidence of a violation of the compulsory motor vehicle insurance law or for felonies being investigated, including motor vehicle theft, homicide, kidnaping, and burglary, or for the purpose of AMBER Alerts and Blue Alerts.

Proposed law provides that data collected or retained through the use of an automated license plate recognition system cannot be used by any individual or agency for purposes other than law enforcement.

Proposed law prohibits any law enforcement agency or other entity authorized to operate under this program from selling captured plate data for any purpose, or from sharing it for any purpose not expressly authorized by proposed law. However, a participating law enforcement agency may provide data to another law enforcement agency upon written request when that agency is engaged in an ongoing investigation or prosecution of a felony.

Proposed law further provides that any and all data collected, retained, or shared through the use of an automated license plate recognition system, except data retained as evidence of a violation of compulsory motor vehicle insurance law or a felony shall be exempt from disclosure under present law (Public Records Law).

Proposed law provides that any person who violates any provision of proposed law relative to use of automated license plate recognition system and use of data may be imprisoned for up to six months, or fined up to \$1,000, or both.

Proposed law provides that fines collected for violations of proposed law and fines collected for the present law offense of operating a motor vehicle without security (R.S. 32:865), shall be distributed as follows:

- (1) 30% to the vendor of the automatic license plate recognition system.
- (2) 30% to the district attorney.
- (3) 30% to the sheriff.
- (4) 10% to the La. Public Defender Board.

Proposed law retains present law as it relates to the distribution of fines collected for the present law offense of operating a motor vehicle without security when the person operating the vehicle, or the owner of the vehicle, knows it is not covered by the required security and the vehicle is in any way involved in an accident within this state in which any person is killed or injured or in which damage to the property of any one person in excess of \$500 is sustained (R.S. 32:865(B)(2)). After deposit in the Bond Security and Redemption Fund, fines collected pursuant to this provision of present law are credited to the present law Crime Victims Reparations Fund.

Proposed law specifies that, except for the prohibition on use to enforce civil traffic citations, proposed law applies only to law enforcement agencies, other entities, and authorized users and does not apply to or be construed or interpreted in a manner to prohibit the use of any other automated license plate recognition system by an individual or private legal entity for purposes not otherwise prohibited by present law or proposed law.

Proposed law provides that on or before Jan. 15, 2017, and annually thereafter, the Dept. of Public Safety and Corrections is to submit a written report concerning the program created by proposed law to the Senate Select Committee on Homeland Security, the House Select Committee on Homeland Security and the House and Senate committees on transportation, highways and public works. Proposed law further provides that this report is to be comprised of an evaluation of program operations, and may include any information and

recommendations for improvement of the program deemed appropriate by the secretary of the department.

Proposed law provides that no cost to implement this program will be incurred by any agency of the state.

Proposed law makes proposed law subject to certain exemptions contained in present law (Public Records Law).

Proposed law terminates on Jan. 1, 2022.

Effective August 1, 2016.

(Amends R.S. 32:865(A) and R.S. 44:4.1(B)(19); Adds R.S. 15:571.11(A)(4) and R.S. 32:46)

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Requires DPS&C to submit their annual written report about the program to two additional committees: the House and Senate transportation, highways and public works committee.
2. Requires that no cost to implement this program will be incurred by any agency of the state.
3. Makes legislative bureau technical corrections.

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Provide for the distribution of fines collected for the present law offense of operating a motor vehicle not covered by security and for violations of the proposed law Statewide Motor Vehicle Theft and Uninsured Motorists Identification Program.