

Senators Williams of the 27th, Hill of the 6th and Payne of the 54th offered the following amendment:

1 *Amend the Senate Committee on Public Safety substitute to HB 253 (LC 41 1178S) by*
 2 *replacing line 1 with the following:*

3 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
 4 general provisions regarding law enforcement officers and agencies, so as to prohibit law
 5 enforcement from retaining license plate data obtained from automated license plate
 6 recognition systems beyond a certain period; to provide for definitions; to provide for the
 7 exchange or sharing of data obtained from license plate recognition systems by law
 8 enforcement; to provide for criminal penalties for misuse of captured license plate data; to
 9 provide for policies; to amend Chapter 2 of Title 40 of the Official Code of Georgia
 10 Annotated, relating to

11 *By redesignating Sections 1 through 3 as Sections 2 through 4, respectively, and inserting*
 12 *between lines 7 and 8 the following:*

13 **SECTION 1.**

14 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
 15 provisions regarding law enforcement officers and agencies, is amended by adding a new
 16 Code section to read as follows:

17 "35-1-21.

18 (a) As used in this Code section, the term:

19 (1) 'Automated license plate recognition system' means one or more high-speed cameras
 20 combined with computer algorithms used to convert images of license plates into
 21 computer readable data.

22 (2) 'Captured license plate data' means the global positioning device coordinates, date
 23 and time, photograph, license plate number, and any other data captured by or derived
 24 from an automated license plate recognition system or any other source.

25 (3) 'Law enforcement agency' means the Department of Public Safety, the Department
 26 of Transportation, and any other state, federal, local, public transit, school, college, or
 27 university agency that is responsible for the prevention and detection of crime, local
 28 government code enforcement, and the enforcement of penal, traffic, toll violation,
 29 regulatory, game, or controlled substance laws.

30 (4) 'Law enforcement purpose' means the investigation of an offense or activity initiated
 31 by a law enforcement agency.

- 32 (5) 'Person' means an individual, corporation, company, partnership, firm, association,
33 joint venture, or any other unincorporated association or group.
- 34 (b) Law enforcement agencies may collect captured license plate data. Such data shall be
35 stored immediately upon collection and not accessed except for a law enforcement purpose.
36 All such data collected shall be destroyed no later than 30 months after such data were
37 originally collected unless such data are the subject matter of a toll violation or for a law
38 enforcement purpose.
- 39 (c) Law enforcement agencies may exchange or share captured license plate data with
40 other law enforcement agencies for law enforcement purposes.
- 41 (d)(1) Any person who knowingly requests, uses, obtains, or attempts to obtain captured
42 license plate data of a law enforcement agency under false pretenses or for any purpose
43 other than for a law enforcement purpose shall for each such offense, upon conviction
44 thereof, be fined not more than \$5,000.00 or imprisoned for not more than two years, or
45 both.
- 46 (2) Nothing in this Code section shall be construed to preclude a law enforcement agency
47 from contracting with a person to hold and maintain captured license plate data for such
48 law enforcement agency; provided, however, that such person shall be subject to the
49 policies of the law enforcement agency and paragraph (1) of this subsection.
- 50 (e) Any law enforcement agency deploying an automated license plate recognition system
51 shall maintain policies for the use and operation of such system, including but not limited
52 to policies for the training of law enforcement officers in the use of captured license plate
53 data consistent with this Code section.
- 54 (f) Captured license plate data collected by a law enforcement agency shall not be subject
55 to public disclosure pursuant to Article 4 of Chapter 18 of Title 50."