1   S.155

2   Representative Christie of Hartford moves that the report of the Committee

3   on Judiciary be amended as follows:

4   First: In Sec. 8, 23 V.S.A. § 1607, by striking out subsection (c) in its

5   entirety and inserting in lieu thereof the following:

6   (c) ALPR use and data access; confidentiality.

7   (1)(A) Deployment of ALPR equipment by Vermont law enforcement

8   agencies is intended to provide access to law enforcement reports of wanted or

9   stolen vehicles and wanted persons and to further other legitimate law

10   enforcement purposes. Use of ALPR systems by law enforcement officers and

11   access to active data are restricted to legitimate law enforcement purposes.

12   (B) Active ALPR data may be accessed by a law enforcement officer

13   operating the ALPR system only if he or she has a legitimate law enforcement

14   purpose for the data. Entry of any data into the system other than data

15   collected by the ALPR system itself must be approved by a supervisor and

16   shall have a legitimate law enforcement purpose.

17   (C)(i) Requests to review access active data within seven days or less

18   of the data's creation shall be in writing and include the name of the requester,

19   the law enforcement agency the requester is employed by, if any, and the law

20   enforcement agency's Originating Agency Identifier (ORI) number. The

21   request shall describe the legitimate law enforcement purpose. The written

1   request and the outcome of the request shall be transmitted to ~~VTIAC~~ VTC and

2   retained by ~~VTIAC~~ VTC for not less than three years.

3   (ii) In each department operating an ALPR system, access to

4   active data shall be limited to designated personnel who have been provided

5   account access by the department to conduct authorized ALPR stored data

6   queries. ~~Access to active data shall be restricted to data collected within the~~

7   ~~past seven days.~~

8   (ii) After seven days from the creation of active data, the data may

9   only be disclosed pursuant to a warrant or if relevant to a person's defense

10   against a criminal charge.

11   (2)(A) A ~~VTIAC~~ VTC analyst shall transmit historical data only to a

12   Vermont or out-of-state law enforcement officer or person who has a

13   legitimate law enforcement purpose for the data. A law enforcement officer or

14   other person to whom historical data are transmitted may use such data only

15   for a legitimate law enforcement purpose. Entry of any data onto the statewide

16   ALPR server other than data collected by an ALPR system itself must be

17   approved by a supervisor and shall have a legitimate law enforcement purpose.

18   (B) Requests for historical data, whether from Vermont or

19   out-of-state law enforcement officers~~,~~ or other persons, within seven days or

20   less of the data's creation shall be made in writing to ~~an analyst at VTIAC~~ a

21   VTC analyst. The request shall include the name of the requester, the law

1   enforcement agency the requester is employed by, <u>if any,</u> and the law

2   enforcement agency's ORI number. The request shall describe the legitimate

3   law enforcement purpose. ~~VTIAC~~ <u>VTC</u> shall retain all requests and shall

4   record in writing the outcome of the request and any information that was

5   provided to the requester or, if applicable, why a request was denied or not

6   fulfilled. ~~VTIAC~~ <u>VTC</u> shall retain the information described in this

7   subdivision (c)(2)(B) for no fewer than three years.

8   <u>(C) After seven days from the creation of licence plate data that</u>

9   <u>become historical data, the data may only be disclosed pursuant to a warrant or</u>

10   <u>if relevant to a person's defense against a criminal charge.</u>

11   <u>Second</u>: In Sec. 8, 23 V.S.A. § 1607, in subdivision (d)(2), by striking out

12   the third sentence in its entirety and inserting in lieu thereof the following:

13   "Data may be retained beyond the 18-month period pursuant to a preservation

14   ~~request made or disclosure~~ order issued under Section 1608 of this title or

15   pursuant to a warrant issued under Rule 41 of the Vermont or Federal Rules of

16   Criminal Procedure."

17   <u>Third</u>: In Sec. 8, 23 V.S.A. § 1607, by striking out subdivisions (e)(1)(D)

18   and (E) in their entirety and inserting in lieu thereof the following:

19   (D) the total number of requests made to ~~VTIAC~~ <u>VTC</u> for ~~ALPR~~

20   <u>historical</u> data~~;~~

1   (E), the total number of these requests that resulted in release of

2   information from the statewide ALPR database, and the total number of

3   warrants that resulted in the release of historical data;

4   (F)(E) the total number of out-of-state requests; and

5   (G) to VTC for historical data, the total number of out-of-state

6   requests that resulted in release of information from the statewide ALPR

7   database, and the total number of warrants from out of state that resulted in the

8   release of historical data;