

*** Automated License Plate Recognition Systems ***

Sec. 6. 23 V.S.A. § 1607a is added to read:

§ 1607a. AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

(a) Definitions. As used in this section:

(1) “Automated license plate recognition system” or “ALPR system” means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms that convert images of license plates into computer-readable files of license plate numbers.

(2)(A) “ALPR data” means centralized plate data and unit data.

(B) “Centralized plate data” means unit data transmitted to and stored on the statewide ALPR server maintained by the Department.

(C) “Unit data” means the following information stored on individual ALPR systems operated by a law enforcement officer:

(i) data captured by an ALPR system, including a photograph of a license plate, GPS coordinates of the location of a license plate, and the date and time that an ALPR system captured data relating to a license plate; and

(ii) files of license plate numbers derived from images of license plates.

(3)(A) “Department” means the Department of Public Safety.

(B) “DMV” means the Department of Motor Vehicles.

(4) “Government entity” means any entity of any branch of state or local government, including instrumentalities thereof.

(5) “Law enforcement officer” means a State Police officer, municipal police officer, motor vehicle inspector, Capitol Police officer, constable, sheriff, or deputy sheriff who is

1 certified by the Vermont Criminal Justice Training Council as a Level II or Level III law
2 enforcement officer under 20 V.S.A. § 2358.

3 (6) “Legitimate law enforcement purpose” means:

4 (A) detection, investigation, analysis, or enforcement of a crime or of a commercial
5 motor vehicle violation;

6 (B) defending against a pending or reasonably anticipated charge or complaint of a
7 crime or of a commercial motor vehicle violation;

8 (C) operation of AMBER alerts; or

9 (D) missing or endangered person searches.

10 (7) “Warrant” means a warrant issued pursuant to Rule 41 of the Vermont or Federal
11 Rules of Criminal Procedure.

12 (b) Use of ALPR systems by government entities restricted; regulation of alert data.

13 (1) A person acting on behalf of a government entity shall not operate an ALPR system in
14 Vermont unless:

15 (A) the person is a law enforcement officer certified in ALPR operation by the
16 Vermont Criminal Justice Training Council;

17 (B) the officer operates the ALPR system for a legitimate law enforcement
18 purpose; and

19 (C) the ALPR system automatically transfers unit data to the statewide ALPR server
20 maintained by the Department and the unit data are automatically deleted from the ALPR system
21 within seven days of their collection.

22 (2) In addition to information downloaded from State and federal law enforcement alert
23 databases onto individual ALPR systems for the purpose of generating an alert when a license

1 plate number matches a number from an alert database, data may be entered onto the statewide
2 ALPR server or on an ALPR system operated by a law enforcement officer on a case-by-case
3 basis for the purpose of generating an alert. Any such entry shall be made for a legitimate law
4 enforcement purpose and with the prior approval of the Department or the head of the Vermont
5 law enforcement agency responsible for the ALPR system.

6 (c) Confidentiality of ALPR data; exceptions; access.

7 (1)(A) Except as provided in this subsection, ALPR data are exempt from public
8 inspection and copying under the Public Records Act and shall be kept confidential. ALPR data
9 shall not be subject to subpoena or discovery, or be admissible in evidence, in any private civil
10 action.

11 (B) Notwithstanding any contrary provision of this section, images of individuals
12 captured by an ALPR system are exempt from public inspection and copying under the Public
13 Records Act, shall be kept confidential, shall not be subject to subpoena, discovery, or disclosure
14 pursuant to a warrant or court order, and shall be inadmissible as evidence in any proceeding.

15 (2)(A) Within 48 hours or less of the creation of ALPR data by an ALPR system:

16 (i) Unit data may be accessed by the law enforcement officer operating the system
17 with the prior approval of the officer's supervisor and if the officer has a legitimate law
18 enforcement purpose for accessing the data.

19 (ii) Unit data may be disclosed to a person with a legitimate law enforcement
20 purpose for the data, with the prior approval of the head of the law enforcement agency
21 responsible for an ALPR system or his or her designee.

22 (iii) The Department may authorize disclosure of centralized plate data to a person
23 who has a legitimate law enforcement purpose for the data.

1 (B) Any requests for ALPR data under subdivision (2)(A)(iii) of this subsection (c)
2 shall be in writing and include the name of the requester and, if applicable, the law enforcement
3 agency the requester is employed by and the law enforcement agency's Originating Agency
4 Identifier number. The request shall describe the legitimate law enforcement purpose for the
5 request. The Department shall retain all requests and record in writing the outcome of the
6 request and any information that was provided to the requester or, if applicable, the reasons for
7 denying or not fulfilling the request. The Department shall retain the information described in
8 this subdivision (c)(2)(B) for at least three years.

9 (C) The Department shall not release ALPR data unless the recipient has accepted the
10 terms of a user agreement with the Department. The user agreement shall specify the
11 confidentiality, permitted uses, and authorized retention periods of the data in accordance with
12 the provisions of this section.

13 (3) After 48 hours from the creation of ALPR data, the data may only be disclosed
14 pursuant to a warrant or if relevant to a person's defense against a pending or reasonably
15 anticipated charge or complaint of a crime or of a commercial motor vehicle violation.

16 (4) A person who receives data under this subsection may only use the data or further
17 disclose them for a legitimate law enforcement purpose.

18 (d) Limitation on retention of ALPR data; exceptions.

19 (1) A person shall not retain ALPR data for more than 18 months after the date of their
20 creation unless the data are:

21 (A) retained pursuant a warrant; or

22 (B) relevant to the defense of a pending or reasonably anticipated charge or complaint.

1 (2) ALPR data shall be destroyed upon expiration of the 18-month period or when their
2 retention is no longer authorized under this subsection.

3 (e) Applicability to data received from other sources. A person acting on behalf of a
4 government entity shall not obtain, use, or retain data captured by an ALPR system from a
5 source within or outside the State:

6 (1) unless the data are obtained, used, and retained for a legitimate law enforcement
7 purpose;

8 (2) if the data were captured more than 48 hours from the time requested, unless the data
9 are obtained pursuant to a warrant; and

10 (3) unless the data are retained in accordance with subsection (d) of this section.

11 (f) Special provisions for commercial motor vehicle enforcement. If an ALPR system is used
12 for commercial motor vehicle screening, inspection, and compliance activities pursuant to
13 Federal Motor Carrier Safety Regulations:

14 (1) Notwithstanding subdivision (b)(1)(C) of this section, unit data are not required to be
15 automatically transferred to the Department of Public Safety. However, data must be transferred
16 from an ALPR system to a centralized ALPR database designated by DMV and deleted from
17 individual ALPR systems after the transfer within the seven-day timeframe.

18 (2) Notwithstanding subdivision (b)(2) of this section, a DMV supervisor may approve the
19 entry of alert data onto a centralized database maintained by DMV.

20 (3) DMV shall have the same authority and responsibilities as the Department of Public
21 Safety as specified in subsection (c) of this section.

1 (4) Notwithstanding subdivision (c)(3) of this section, a DMV supervisor may authorize
2 data captured by a DMV ALPR system to be disclosed to or accessed by a law enforcement
3 officer acting on behalf of DMV without a warrant, if the data are requested:

4 (A) within eight days of the date of their creation; and

5 (B) in connection with commercial motor vehicle screening, inspection, and
6 compliance activities.

7 (g) Effect of violation. ALPR data captured, disclosed, or retained in violation of this section
8 shall be inadmissible against a defendant unless the data relate to a motor vehicle registered to or
9 operated by a person other than the defendant.

10 (h) Oversight. The Department, in consultation with DMV, shall establish a review process
11 to ensure that information obtained through the use of ALPR systems is used only for the
12 purposes permitted under this section. The Department shall report the results of this review
13 annually on or before January 15 to the Senate and House Committees on Judiciary. The report
14 shall include the following information for the prior calendar year:

15 (1) the total number of ALPR systems operated in the State;

16 (2) the total number of alerts generated on ALPR systems by a match between a plate
17 number and a plate number from an alert database;

18 (3) the number of ALPR readings transmitted from each law enforcement agency to the
19 database maintained by the Department and the total number of all readings transmitted to the
20 Department;

21 (4) the total number of ALPR readings transmitted to a database maintained by DMV,
22 if any;

