

LICENSE PLATE READERS

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House Bill 4981

Sponsor: Rep. Sam Singh

Committee: Criminal Justice

Complete to 10-15-13

A SUMMARY OF HOUSE BILL 4981 AS INTRODUCED 9-17-13

The bill would do the following:

- Restrict the use of license plate readers, and access to collected data, to law enforcement agencies for specified purposes such as identifying stolen vehicles.
- Require the plate numbers to be purged within 48 hours of the end of the shift in which they were collected, with some exceptions.
- Allow the attorney general or a designee to examine and audit a license plate reader.
- Allow an injunction to ban the use of license plate readers by a law enforcement agency that is found to repeatedly misuse them and confiscate the agency's devices.

House Bill 4981 would add Sections 751 and 752, entitled "Registration Plate Reading Devices," to the Michigan Vehicle Code. The bill would restrict and regulate the use of registration plate reading devices, also known as license plate readers or RPRs, by law enforcement. An RPR would mean a device that satisfies all of the following:

- Is hand-held, stationary, or mounted to a vehicle.
- Uses automated high-speed camera and optical character recognition technology.
- Passively reads a registration plate number, instantaneously compares that number against a list, sends an audible or visual alarm to the operator if the number matches information on the list, and stores a record of each plate number read by the device for a prescribed period of time.

Under the bill, only law enforcement agencies could operate an RPR and access data collected by it, and then only for official law enforcement purposes. "Law enforcement agency" means the police department of a city, township, or village, the sheriff's department of a county, the Department of State Police, or any other governmental law enforcement agency of this state.

A law enforcement agency could use an RPR only to scan, detect, and identify registration plate numbers that appear on lists or broadcasts of one or more of the following:

- Stolen vehicles or vehicles believed to be driven or occupied by wanted, missing, or endangered individuals.
- Individuals in default for failure to make required court appearances or for whom a criminal warrant is pending or in effect.
- Individuals whose operator's licenses, driving privileges, or vehicle registrations have been suspended or revoked.
- Individuals suspected of criminal or terrorist acts, transportation of stolen items or contraband, or violations of the vehicle code.
- Commercial trucking enforcement information.
- Criminal investigative surveillance for a specific case.
- Registration plate canvasses in homicides, shootings, or other major crimes or incidents.

A positive match would constitute reasonable suspicion for a police officer to stop a vehicle and temporarily detain it and its occupants to confirm or dispel the information provided by the RPR. The lists would have to be kept current as specified in the bill. "Police officer" is defined in Section 42 of the code as a sheriff or sheriff's deputy; village or township marshal; officer of the police department of any city, village, or township; officer of the Michigan State Police; or a peace officer who is trained and certified under the Commission on Law Enforcement Standards Act.

With some exceptions, records of registration plates read by an RPR must be purged no later than 48 hours after the end of the shift during which they were collected. If an alarm sent by an RPR resulted in an arrest, citation, protective custody, or the identification of a vehicle that was the subject of a missing person or wanted broadcast, a record of the plate could be retained until final disposition of the case.

Access to RPR records would be allowed for legitimate law enforcement investigative, prosecution, or audit verification purposes. Certain recordkeeping requirements would apply. The attorney general or a designee could examine and audit an RPR, a server used to store RPR data, or records related to the use of an RPR maintained by a law enforcement agency for the purpose of ensuring compliance with the bill or to investigate complaints of misuse of the devices. The attorney general or designee could seek an injunction banning the use of an RPR by a law enforcement agency found to have used a device in repeated violation of the bill and requiring the confiscation of a device if necessary to prevent ongoing violations or deter future violations.

The bill would also vest the authority to obtain and issue an RPR, administer a documented training process for the operation of an RPR, and ensure compliance with federal, state, and other applicable regulations in the head of a law enforcement agency or a designee.

FISCAL IMPACT:

The bill would not appear to have a significant fiscal impact on the state or local units of government. The Michigan State Police (MSP) reports that it currently does not employ

the use of license plate readers. To a large degree, then, the bill would not impact MSP's traditional patrol operations. The Law Enforcement Information Network (LEIN), which is maintained by the MSP Criminal Justice Information Center, already includes data links for agencies that employ the use of license plate readers.¹

The extent to which local police agencies and county sheriff's department use license plate readers isn't immediately known, although various news accounts suggest that a these devices are used by many Michigan police agencies. The bill would impose some costs on those agencies that use this technology to the extent that they currently do not already comply with the bill's requirements. Law enforcement agencies, for instance, would have to develop a policy governing the use of readers and develop a "documented training process" for each officer using these devices. Presumably officers using these devices already receive some nominal amount of training on how to properly use a license plate reader, so any cost implications regarding these requirements would not likely be significant. The bill's 48-hour data retention limit would tend to reduce information technology costs related to storing the data generated by a license plate reader for those agencies that currently retain data for longer periods.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ http://www.michigan.gov/documents/msp/Automated_License_Plate_Reader_File_431434_7.pdf