

## **Md. Public Safety Code Ann. § 3-509**

Current through all legislation from the 2023 Regular Session of the General Assembly.

*Michie's™ Annotated Code of Maryland > Public Safety (Titles 1 — 15) > Title 3. Law Enforcement. (Subts. 1 — 7) > Subtitle 5. Miscellaneous Provisions. (§§ 3-501 — 3-530)*

### **§ 3-509. Use of captured license plate data.**

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**(a)**

**(1)** In this section the following words have the meanings indicated.

**(2)**

**(i)** “Active data” means:

1. data uploaded to individual automatic license plate reader system units before operation; and
2. data gathered during the operation of an automatic license plate reader system.

**(ii)** “Active data” does not include historical data.

**(3)** “Automatic license plate reader system” means a system of one or more mobile or fixed high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data.

**(4)**

**(i)** “Captured plate data” means the global positioning system coordinates, dates and times, photographs, license plate numbers, and any other data collected by or derived from an automatic license plate reader system.

**(ii)** “Captured plate data” includes active data and historical data.

**(5)** “Center” means the Maryland Coordination and Analysis Center.

**(6)** “Historical data” means any data collected by an automatic license plate reader system and stored in an automatic license plate reader database operated by the Maryland Coordination and Analysis Center or by a law enforcement agency.

**(7)** “Law enforcement agency” has the meaning stated in § 3-201(d) of this title.

**(8)** “Legitimate law enforcement purpose” means the investigation, detection, or analysis of a crime or a violation of the Maryland vehicle laws or the operation of terrorist or missing or endangered person searches or alerts.

**(b)**

**(1)** A law enforcement agency may not use captured plate data unless the agency has a legitimate law enforcement purpose.

(2) An employee of a law enforcement agency who violates this subsection is subject to imprisonment not exceeding 1 year or a fine not exceeding \$10,000 or both.

(c)

(1) The Department of State Police and any law enforcement agency using an automatic license plate reader system shall adopt procedures relating to the operation and use of the system.

(2) The procedures shall include:

(i) which personnel in the Center or a law enforcement agency are authorized to query captured plate data gathered by an automatic license plate reader system;

(ii) an audit process to ensure that information obtained through the use of an automatic license plate reader system is used only for legitimate law enforcement purposes, including audits of requests made by individual law enforcement agencies or an individual law enforcement officer; and

(iii) procedures and safeguards to ensure that Center staff with access to the automatic license plate reader database are adequately screened and trained.

(d) Information gathered by an automatic license plate reader system is not subject to disclosure under the Maryland Public Information Act.

(e) On or before March 1 of each year beginning in 2016, the Department of State Police, in conjunction with the Center and law enforcement agencies that maintain an automatic license plate reader database, shall report to the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the Legislative Policy Committee, in accordance with § 2-1257 of the State Government Article, on the following information based on data from the previous calendar year:

(1) the total number of automatic license plate reader units being operated in the State by law enforcement agencies and the number of units submitting data to the Center;

(2) the number of automatic license plate reader readings made by a law enforcement agency that maintains an automatic license plate reader database and the number of readings submitted to the Center;

(3) the number of automatic license plate reader readings being retained on the automatic license plate reader database;

(4) the number of requests made to the Center and each law enforcement agency that maintains an automatic license plate reader database for automatic license plate reader data, including specific numbers for:

(i) the number of requests that resulted in a release of information;

(ii) the number of out-of-state requests;

(iii) the number of federal requests;

(iv) the number of out-of-state requests that resulted in a release of information; and

(v) the number of federal requests that resulted in a release of information;

(5) any data breaches or unauthorized uses of the automatic license plate reader database; and

(6) a list of audits that were completed by the Center or a law enforcement agency.

## History

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2014, ch. 192; 2019, ch. 510, § 4; ch. 511, § 4; 2023, ch. 49, § 2.

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