

O.C.G.A. § 35-1-22

Current with Chapters 354 through 374 of the 2024 Regular Session of the General Assembly. The Statutes do not reflect possible future codification directives from the Revisor of Statutes pursuant to Code Section 28-9-5. Additionally, the Statutes may be affected by prior or subsequent legislative enactment, revision, or executive action.

Official Code of Georgia Annotated > TITLE 35 Law Enforcement Officers and Agencies (Chs. 1 — 10) > CHAPTER 1 General Provisions (§§ 35-1-1 — 35-1-23)

35-1-22. Prohibition on law enforcement retaining license plate data obtained from automated license plate recognition systems; limited use of data; public disclosure prohibited.

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

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

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

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

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

(5) “Person” means an individual, corporation, company, partnership, firm, association, joint venture, or any other unincorporated association or group.

(b) Law enforcement agencies may collect captured license plate data. Such data shall be stored immediately upon collection and not accessed except for a law enforcement purpose. All such data collected shall be destroyed no later than 30 months after such data were originally collected unless such data are the subject matter of a toll violation or for a law enforcement purpose.

(c) Law enforcement agencies may exchange or share captured license plate data with other law enforcement agencies for law enforcement purposes.

(d)

- (1) Any person who knowingly requests, uses, obtains, or attempts to obtain captured license plate data of a law enforcement agency under false pretenses or for any purpose other than for a law enforcement purpose shall for each such offense, upon conviction thereof, be guilty of a misdemeanor of a high and aggravated nature.
- (2) Nothing in this Code section shall be construed to preclude a law enforcement agency from contracting with a person to hold and maintain captured license plate data for such law enforcement agency; provided, however, that such person shall be subject to the policies of the law enforcement agency and paragraph (1) of this subsection.
- (e) Any law enforcement agency deploying an automated license plate recognition system shall maintain policies for the use and operation of such system, including but not limited to policies for the training of law enforcement officers in the use of captured license plate data consistent with this Code section.
- (f) Captured license plate data collected by a law enforcement agency shall not be subject to public disclosure pursuant to Article 4 of Chapter 18 of Title 50.

History

Code 1981, § 35-1-22, enacted by Ga. L. 2018, p. 758, § 1/HB 79.

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