

## **BILL ANALYSIS**

C.S.S.B. 1426  
By: Williams  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, the Texas Department of Transportation believes that there is no statute which allows for automatic license plate identification camera, a law enforcement tool, to be placed on its right-of-way.

As proposed, C.S.S.B. 1426 authorizes the placement of automatic license plate identification camera on the right-of-way of a state highway if they are operated by the Texas Department of Public Safety, a federal law enforcement agency, or a local law enforcement agency operating the device under the authority of a federal law enforcement agency. The camera could only be used for enforcement of a United States or Texas penal law other than a traffic violation that is a misdemeanor, or for locating a missing child, missing senior citizen, or a person for whom the governor has issued an alert by executive order.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 202, Transportation Code, by adding Section 202.061, as follows:

Sec. 202.061. AGREEMENT TO LOCATE CERTAIN CAMERAS ON RIGHT-OF-WAY. (a) Defines "automatic license plate identification camera."

(b) Authorizes the Texas Department of Transportation (TxDOT) to enter into an agreement with the Department of Public Safety of the State of Texas (DPS), a federal law enforcement agency, or a local law enforcement agency operating a license plate identification camera under the authority of a federal law enforcement agency that authorizes DPS, federal law enforcement agency, or local law enforcement agency to install, maintain, and operate an automatic license plate identification camera (camera) on the right-of-way of a state highway.

(c) Requires that an agreement under this section be in writing, list the location of each camera to be installed on the state highway right-of-way, list the responsibilities of each party to the agreement, be for a fixed term; and be executed before a camera is installed.

(d) Authorizes the images produced from the camera installed under an agreement authorized by this section to be used only for the purpose of enforcing a penal law of this state, other than a traffic law the violation of which is a misdemeanor punishable by fine only or a penal law of the United States; locating an abducted child for whom the statewide alert system authorized by Subchapter L (Statewide America's Missing: Broadcast Emergency Response (Amber) Alert System for Abducted Children), Chapter 411 (Department of Public Safety of the State of Texas), Government Code, has been activated, a missing senior citizen for whom

a statewide silver alert authorized by Subchapter M (Silver Alert for Missing Senior Citizens), Chapter 411, Government Code, has been activated or a person for whom an alert has been issued under an executive order of the governor because the person has seriously injured or killed a local, state, or federal law enforcement officer; or prosecuting a criminal offense, other than a traffic law the violation of which is a misdemeanor punishable by fine only, if the images are otherwise admissible in a judicial proceeding.

(e) Establishes that a person commits an offense if the person uses an automatic license plate identification camera to produce an image other than in a manner and for the purpose specified by this section.

(d) Establishes that a an offense under this section of the bill is a Class C misdemeanor.

SECTION 2. Effective date: upon passage or September 1, 2009.

**EFFECTIVE DATE**

Upon passage or September 1, 2009

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

In the substitute, Section 1 is amended to include language allowing local law enforcement under a federal operation to use license plate identification equipment. It establishes that a person cannot use the images or information obtained from the equipment except for law enforcement purposes, and that an offense under this section is a Class C Misdemeanor.