

BILL ANALYSIS

S.B. 1696

By: Williams

Homeland Security & Public Safety

Committee Report (Unamended)

BACKGROUND AND PURPOSE

Private industry has begun to deploy license plate readers to collect data for lenders and insurance companies. A pilot program would help bring this same technology to law enforcement and pave the way for the state to securely use and share the collected information to enhance public safety and address border crime and smuggling.

This bill creates a pilot program for the Department of Public Safety of the State of Texas (DPS) to begin using license plate readers in patrol cars. It requires DPS to create a request for a proposal to select a contractor for the installation of automatic license plate readers and requires DPS to report to the legislature regarding the use of the license plate readers and the effectiveness of the use of those readers by DPS.

S.B. 1696 amends current law relating to the creation of an automatic license plate reader pilot program.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 of this bill.

ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0094, as follows:

Sec. 411.0094. AUTOMATIC LICENSE PLATE READER PILOT PROGRAM. (a) Defines "automatic license plate reader" in this section.

(b) Requires the Department of Public Safety of the State of Texas (DPS) to establish a pilot program in which automatic license plate readers may be installed in law enforcement motor vehicles used by DPS for law enforcement.

(c) Requires the program to include a request for proposal process to select a contractor for the installation of automatic license plate readers.

(d) Requires DPS to adopt rules as necessary to implement the program.

(e) Provides that an automatic license plate reader installed under this section:

(1) may be used only to record information necessary to identify a motor vehicle; and

(2) may not be used to record an image of a person in a motor vehicle.

(f) Provides that the images and any related data produced from an automatic license plate identification camera system can be queried or disseminated only for a law enforcement purpose.

(g) Requires that all data produced from an automatic license plate reader be destroyed within one year of collection unless the data is evidence in a criminal investigation or prosecution.

(h) Provides that any agreement or memorandum of understanding concerning data-sharing related to an automatic license plate identification camera system between law enforcement entities collecting, sharing, or gaining access to data under this section is subject to the provisions of Chapter 552 (Public Information).

(i) Requires DPS, not later than December 1, 2012, to file a report with the committee in each house of the legislature having primary jurisdiction over homeland security matters. Requires that the report include:

(1) information regarding the use of automatic license plate readers by the department; and

(2) any other information that would assist the legislature in evaluating the effectiveness of the use of automatic license plate readers by the department.

(j) Provides that this section expires September 1, 2013.

EFFECTIVE DATE

September 1, 2011.