A BILL TO BE ENTITLED

1   AN ACT

2 relating to the use of automatic license plate reader systems;

3 creating a criminal offense.

4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5   SECTION 1. Subchapter A, Chapter 411, Government Code, is

6 amended by adding Section 411.0094 to read as follows:

7   Sec. 411.0094. AUTOMATIC LICENSE PLATE READER SYSTEM. (a)

8 In this section:

9   (1) "Automatic license plate reader system" means a

10 system of one or more mobile or fixed high-speed cameras used in

11 combination with computer algorithms to convert an image of a

12 license plate into computer-readable data.

13   (2) "Captured plate data" means global positioning

14 system coordinates, dates and times, photographs, license plate

15 numbers, and any other data collected by an automatic license plate

16 reader system.

17   (b) A law enforcement agency may use images and any related

18 captured plate data produced by an automatic license plate reader

19 system only for the following law enforcement purposes:

20   (1) detecting or investigating a criminal offense;

21   (2) detecting or investigating a violation of a

22 traffic law;

23   (3) investigating a report of a missing person; or

24   (4) investigating threats related to terrorism.

1   (c) The department by rule shall establish an automatic

2 license plate reader system database to retain captured plate data

3 that is being used for a law enforcement purpose listed under

4 Subsection (b).

5   (d) The department and each law enforcement agency that uses

6 an automatic license plate reader system shall adopt rules

7 governing the use of the system, including rules:

8   (1) governing which law enforcement personnel may

9 search captured plate data;

10   (2) establishing an audit process to ensure that

11 captured plate data is used only for the law enforcement purposes

12 described by Subsection (b); and

13   (3) establishing procedures and safeguards to ensure

14 that law enforcement personnel with access to the automatic license

15 plate reader database are adequately screened and trained.

16   (e) Not later than January 1 of each year, each law

17 enforcement agency that uses a license plate reader system shall

18 submit a report to the department regarding:

19   (1) the total number of automatic license plate reader

20 system units that are used by the law enforcement agency;

21   (2) the number of automatic license plate reader

22 system readings made by the law enforcement agency; and

23   (3) a list of audits completed by the law enforcement

24 agency.

25   (f) Not later than March 1 of each year, the department

26 shall submit a report to the legislature that includes:

27   (1) the number of automatic license plate reader

1 system readings retained in the automatic license plate reader

2 system database;

3   (2) the number of requests for captured plate data

4 made to the department, including:

5   (A) the total number of requests and the number

6 of requests that resulted in a release of information;

7   (B) the total number of out-of-state requests and

8 the number of out-of-state requests that resulted in a release of

9 information; and

10   (C) the total number of federal requests and the

11 number of federal requests that resulted in a release of

12 information;

13   (3) any data breach or unauthorized use of the

14 automatic license plate reader system database;

15   (4) a list of audits completed by the department and

16 each law enforcement agency reporting to the department; and

17   (5) a summary of the information contained in the

18 reports submitted to the department under Subsection (e).

19   (g) Captured plate data is confidential and not subject to

20 disclosure under Chapter 552.

21   (h) A person commits an offense if the person uses an image

22 or any related captured plate data produced by an automatic license

23 plate reader system for a purpose that is not listed in Subsection

24 (b). An offense under this subsection is a Class A misdemeanor.

25   SECTION 2. This Act takes effect September 1, 2015.