

BILL ANALYSIS

Senate Research Center
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S.B. 91
By: Hall
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Automatic license plate readers are one of the hottest pieces of high-tech equipment currently on the law enforcement market. These fixed placed—on road signs or bridges—or squad car-mounted devices use, small, high-speed cameras to photograph thousands of pedestrian vehicle license plates per minute. While there are no official national statistics on the number of police agencies that use the cameras, one recent survey by the Police Executive Research Forum found that 71 percent of police forces in America use the technology.

While there is no doubt that automatic license plate readers serve a legitimate law enforcement purpose when associated with a criminal investigation, the current ability for police departments to retain this information without restrictions raises significant privacy rights concerns.

This potential for police departments to create permanent records and virtual route tracking of innocent civilians radically transforms the consequences of leaving home to pursue private life and opens up opportunities for abuse. Such tracking of people's location constitutes a significant invasion of privacy that can reveal many things about their lives, such as what friends, doctors, protests, political events, or churches a person may visit.

To preserve the privacy rights of Texans, S.B. 91 mandates that information retrieved by an automatic license plate reader must be destroyed within a period of seven days unless the information is evidence in an ongoing criminal investigation or prosecution.

As proposed, S.B. 91 amends current law relating to the use of automatic license plate readers by a law enforcement agency.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to Texas Department of Public Safety in SECTION 1 (Section 411.0094, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

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

Sec. 411.0094. AUTOMATIC LICENSE PLATE READER. (a) Defines "automatic license plate reader."

(b) Authorizes a law enforcement agency to use an automatic license plate reader.

(c) Authorizes images and any related data produced from an automatic license plate reader under Subsection (b) to be used only for the law enforcement purposes of investigating a criminal offense or investigating a report of a missing person.

(d) Requires that all images and data produced from an automatic license plate reader under this section be destroyed not later than the seventh day after the date

of collection unless the image or data is evidence in a criminal investigation or prosecution.

(e) Requires the Texas Department of Public Safety to adopt rules as necessary to implement this section.

SECTION 2. Effective date: September 1, 2017.