

By: Harrison

H.B. No. 3999

A BILL TO BE ENTITLED

AN ACT

relating to the use of automatic license plate readers by a law enforcement agency.

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

SECTION 1. Chapter 750, Transportation Code, is amended by adding Section 750.004 to read as follows:

Sec. 750.004. AUTOMATIC LICENSE PLATE READER. (a) In this section, "automatic license plate reader" means a system that reads and records license plate numbers taken from digital photographs.

(b) A law enforcement agency may use an automatic license plate reader only as authorized by a warrant or court order.

(c) Images and any related data produced from an automatic license plate reader used by a law enforcement agency may be used only for the purpose of investigating a criminal offense that is a violent offense as defined in Article 17.50(a)(3), Code of Criminal Procedure.

(d) Images and any related data produced from an automatic license plate reader used by a law enforcement agency must be destroyed promptly after collection unless the image or data is from a motor vehicle that:

(1) is involved in a criminal offense described by Subsection (c) or an ongoing criminal investigation of such an offense; or

(2) is registered to a person who is involved in a

1 criminal offense described by Subsection (c) or an ongoing criminal
2 investigation of such an offense.

3 (e) A law enforcement agency may not enter into an agreement
4 with a person to provide images or any related data produced from an
5 automatic license plate reader to the person except for a purpose
6 otherwise authorized by this section.

7 (f) A law enforcement agency that uses an automatic license
8 plate reader in accordance with this section shall:

9 (1) adopt a policy regarding the agency's use of
10 automatic license plate readers;

11 (2) annually compile a report regarding the agency's
12 use of automatic license plate readers, including:

13 (A) the number of license plates scanned by the
14 agency; and

15 (B) the number of license plate scans that the
16 agency used in an investigation that led to the arrest or
17 prosecution of a person; and

18 (3) annually publish the policy described by
19 Subdivision (1) and the report described by Subdivision (2) on the
20 agency's publicly accessible Internet website.

21 SECTION 2. This Act takes effect September 1, 2023.