

FIRST REGULAR SESSION

SENATE BILL NO. 196

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time January 7, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1071S.011

AN ACT

To amend chapter 43, RSMo, by adding thereto one new section relating to automated law enforcement.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 43, RSMo, is amended by adding thereto one new section, to be known as section 43.385, to read as follows:

43.385. 1. As used in this section, the following terms shall mean:

(1) "Automated license plate reader system", a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer readable data;

(2) "Automated traffic enforcement system" is a system that:

(a) Is capable of producing photographically or digitally recorded still or video images, or combinations thereof, of a motor vehicle, including an image of the vehicle's license plate;

(b) Is configured to capture such images of license plates upon receiving data that indicates a traffic law or regulation may have been violated; and

(c) Indicates on one or more of the images produced, the date, time and location of the violation;

(3) "Captured motor vehicle data", the global positioning device coordinates, date and time, photographically or digitally recorded still or video images, license plate number, and any other data captured by or derived from any automatic license plate reader system or automated traffic enforcement system;

(4) "Government entity", a lawfully created branch, department, or agency of the federal, state, or local government.

22 2. No government entity shall install or utilize an automated
23 license plate reader system or an automated traffic enforcement system
24 to enforce red-light or speed limit violations or collect captured motor
25 vehicle data.

26 3. Captured motor vehicle data collected or retained by a
27 government entity prior to the enactment of this section shall not be
28 preserved for more than thirty days, except pursuant to:

- 29 (1) A preservation request under subsection 5 of this section; or
30 (2) A warrant under section 542.271.

31 4. Data collected or retained through the use of an automated
32 license plate reader system or automated traffic enforcement system by
33 a government entity shall not be shared with a federal government
34 entity, except pursuant to:

- 35 (1) A preservation request under subsection 5 of this section;
36 (2) A warrant under section 542.271; or
37 (3) Exigent circumstances which require immediate release of
38 the captured motor vehicle data.

39 5. A government entity making a preservation request under this
40 section shall submit an affidavit to a court of competent jurisdiction
41 stating:

42 (1) The particular camera or cameras for which captured motor
43 vehicle data must be preserved or the particular license plate for which
44 captured motor vehicle data must be preserved;

45 (2) The date or dates and time frames for which captured motor
46 vehicle data must be preserved; and

47 (3) Specific and articulable facts showing that there are
48 reasonable grounds to believe that the captured motor vehicle data is
49 relevant and material to an ongoing criminal or missing persons
50 investigation or to a pending court proceeding.

51 6. Captured motor vehicle data preserved under subsection 5 of
52 this section shall be destroyed at the conclusion of either:

53 (1) An investigation that does not result in any criminal charges
54 being filed; or

55 (2) Any criminal action undertaken in the matter involving the
56 captured motor vehicle data.

57 7. Captured motor vehicle data and evidence derived from it
58 shall not be received in evidence in any trial, hearing, or other

59 proceeding before any court, grand jury, department, officer, agency,
60 regulatory body, legislative committee, or other authority of the state
61 or a political subdivision of the state if the disclosure of that
62 information would be in violation of this section.

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