

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 599

AN ACT

To amend chapter 43, RSMo, by adding thereto one new section relating to automated license plate reader systems, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

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

4 43.385. 1. As used in this section, the following terms
5 shall mean:

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

10 (2) "Captured plate data", the global positioning device
11 coordinates, date and time, photograph, license plate number, and
12 any other data captured by or derived from any automatic license
13 plate reader system;

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

16 2. Data collected or retained through the use of an

1 automated license plate reader system by a government entity
2 shall not be preserved for more than thirty days, except pursuant
3 to:

4 (1) A preservation request under subsection 4 of this
5 section;

6 (2) A published and distributed law enforcement
7 organization policy under subsection 5 of this section; or

8 (3) A warrant under section 542.271.

9 3. Data collected or retained through the use of an
10 automated license plate reader system by a government entity
11 shall not be shared with a federal government entity, except
12 pursuant to:

13 (1) A preservation request under subsection 4 of this
14 section;

15 (2) A warrant under section 542.271; or

16 (3) Exigent circumstances which require immediate release
17 of the captured plate data.

18 4. A government entity making a preservation request under
19 this section shall submit an affidavit to a court of competent
20 jurisdiction stating:

21 (1) The particular camera or cameras for which captured
22 plate data must be preserved or the particular license plate for
23 which captured plate data must be preserved;

24 (2) The date or dates and time frames for which captured
25 plate data must be preserved; and

26 (3) Specific and articulable facts showing that there are
27 reasonable grounds to believe that the captured plate data are
28 relevant and material to an ongoing criminal or missing persons

1 investigation or to a pending court proceeding.

2 4. A published and distributed law enforcement organization
3 policy shall:

4 (1) Limit access to captured plate data to detectives and
5 automated license plate reader system auditors after the initial
6 thirty day period allowed under subsection 2 of this section;

7 (2) Prohibit access to such captured plate data by all
8 other law enforcement officers after the initial thirty day
9 period allowed under subsection 2 of this section;

10 (3) Require that such captured plate data shall be used for
11 criminal justice purposes only; and

12 (4) Require the destruction of all captured plate data
13 after a period of one year unless a preservation request is filed
14 and granted pursuant to subsection 4 of this section.

15 5. Captured plate data preserved under subsection 2 of this
16 section shall be destroyed at the conclusion of either:

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

19 (2) Any criminal action undertaken in the matter involving
20 the captured plate data.

21 6. Captured plate data and evidence derived from it shall
22 not be received in evidence in any trial, hearing, or other
23 proceeding before any court, grand jury, department, officer,
24 agency, regulatory body, legislative committee, or other
25 authority of the state or a political subdivision of the state if
26 the disclosure of that information would be in violation of this
27 section.

28 7. A person commits the offense of misuse of license plate

1 reader information under this section if he or she knowingly or
2 recklessly obtains or discloses information collected by
3 automated license plate reader systems operated by a government
4 entity for private or personal use, or for a purpose other than
5 in connection with their official duties. The offense of misuse
6 of license plate reader information is a class D felony.

7 8. The department of public safety shall promulgate a
8 written justification standard for the placement of fixed
9 automated license plate reader cameras by December 31, 2014,
10 which shall be posted on the department's official website. For
11 a fixed automated license plate reader camera installed after the
12 release of the standard a government entity requesting such
13 camera shall submit an application to the department of public
14 safety for approval prior to installation. Government entities
15 utilizing fixed automated license plate reader cameras in
16 operation prior to the release of the written justification
17 standard shall have thirty days after the release of the standard
18 to submit an application to the department of public safety for
19 approval, and if such application is denied the camera must be
20 removed. Any government entity utilizing a fixed automated
21 license plate reader camera shall make available, upon request,
22 any application and justification for such fixed automated
23 license plate reader camera. The department of public safety
24 shall promulgate all necessary rules and regulations for the
25 administration of this section. Any rule or portion of a rule,
26 as that term is defined in section 536.010, that is created under
27 the authority delegated in this section shall become effective
28 only if it complies with and is subject to all of the provisions

1 of chapter 536 and, if applicable, section 536.028. This section
2 and chapter 536 are nonseverable and if any of the powers vested
3 with the general assembly pursuant to chapter 536 to review, to
4 delay the effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2013,
7 shall be invalid and void.