

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 599

97TH GENERAL ASSEMBLY

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Reported from the Committee on General Laws, March 13, 2014, with recommendation that the Senate Committee Substitute do pass.

4725S.03C

TERRY L. SPIELER, Secretary.

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## AN ACT

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

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

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

**2. Data collected or retained through the use of an automated license plate reader system by a government entity shall not be preserved for more than thirty days, except pursuant to:**

**(1) A preservation request under subsection 3 of this section;**

**(2) A published and distributed law enforcement organization policy under subsection 4 of this section; or**

**(3) A warrant under section 542.271.**

**3. A government entity making a preservation request under this section shall submit an affidavit to a court of competent jurisdiction**

21 **stating:**

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

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

27 **(3) Specific and articulable facts showing that there are**  
28 **reasonable grounds to believe that the captured plate data are relevant**  
29 **and material to an ongoing criminal or missing persons investigation**  
30 **or to a pending court proceeding.**

31 **4. A published and distributed law enforcement organization**  
32 **policy shall:**

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

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

39 **(3) Require that such captured plate data shall be used for**  
40 **criminal justice purposes only; and**

41 **(4) Require the destruction of all captured plate data after a**  
42 **period of one year unless a preservation request is filed and granted**  
43 **pursuant to subsection 3 of this section.**

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

46 **(1) An investigation that does not result in any criminal charges**  
47 **being filed; or**

48 **(2) Any criminal action undertaken in the matter involving the**  
49 **captured plate data.**

50 **6. Captured plate data and evidence derived from it shall not be**  
51 **received in evidence in any trial, hearing, or other proceeding before**  
52 **any court, grand jury, department, officer, agency, regulatory body,**  
53 **legislative committee, or other authority of the state or a political**  
54 **subdivision of the state if the disclosure of that information would be**  
55 **in violation of this section.**

56 **7. A person commits the offense of misuse of license plate reader**  
57 **information under this section if he or she knowingly or recklessly**

58 **obtains or discloses information collected by automated license plate**  
59 **reader systems operated by a government entity for private or personal**  
60 **use, or for a purpose other than in connection with their official**  
61 **duties. The offense of misuse of license plate reader information is a**  
62 **class D felony.**

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Bill

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