

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Judiciary

REVENUE: May have revenue impact, statement not yet issued**FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Eric Deitrick, Counsel**Meeting Dates:** 3/17, 4/20

WHAT THE MEASURE DOES: Restricts use of motor vehicle registration plate surveillance cameras. Limits use of data collected by surveillance cameras. Requires public bodies establish policies and produce annual report detailing the use of collected data. Establishes rules on admissibility of collected data in court proceedings. Defines terms.

ISSUES DISCUSSED:

- Ways in which this data can be used by law enforcement
- Privacy concerns with ALPR technology and use

EFFECT OF COMMITTEE AMENDMENT: Proposed (-1) amendment modifies the time for which public bodies may retain captured plate data from 24 hours to 1 year. Authorizes extension by court order for up to 30 days at a time.

Proposed (-2) amendment modifies the time for which public bodies may retain captured plate data from 24 hours to 60 days. Authorizes extension of period by court order for up to 60 days at a time.

Proposed (-4) amendment modifies the time for which public bodies may retain captured plate data from 24 hours to 1 year. Authorizes extension by court order for up to 1 year at a time.

Proposed (-7) amendment defines Automatic License Plate Reader (“ALPR”). It sets the time period for permissible data retention for law enforcement at 1 year. Additional time can be obtained by court order without specific time limitations. Public bodies that use ALPR simply to control access to an area are limited to 24 hours of retention. The amendment contains additional modifications to the underlying bill. It authorizes law enforcement to use ALPR to identify vehicles a suspect may be using, rather than those registered to the suspect. It permits law enforcement to use ALPR to gather evidence in a criminal investigation. It permits law enforcement to compare the ALPR data with other databases. It eliminates the mandatory destruction of data after trial. It requires law enforcement to develop policies regarding contracts with third-party vendors. It eliminates restriction prohibiting law enforcement from sharing data with other law enforcement bodies. It modifies public reporting provision of bill to eliminate reports on number of court-ordered extensions of 1 year period given to law enforcement. It eliminates prohibition of ALPR data in arbitration and civil proceedings. It eliminates “derivative evidence” from suppression provision.

BACKGROUND: Motor vehicle registration plate surveillance cameras (“cameras”) are devices that contain small cameras, specific software, and networking capabilities. The cameras can be easily mounted anywhere, including cars and public highways. The cameras are programmed to survey and capture license plate information. When the camera captures license plate data it creates a time and location stamp. That data can be matched against information in certain databases, ranging from the Law Enforcement Data System, National Crime Information Center, the Mission Persons Clearinghouse, the Federal Bureau of Investigation, and the Oregon Department of Transportation. There is no statewide policy on the use or disposal of information captured by these cameras.

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This summary has not been adopted or officially endorsed by action of the committee.

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