

SECOND REGULAR SESSION  
[P E R F E C T E D]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 599**  
97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KRAUS.

Offered April 15, 2014.

Senate Substitute adopted, April 15, 2014.

Taken up for Perfection April 15, 2014. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4725S.05P

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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  
2 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:**

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

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

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

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

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

16 **(2) A published and distributed law enforcement organization**  
17 **policy under subsection 5 of this section; or**

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

19           **3. Data collected or retained through the use of an automated**  
20 **license plate reader system by a government entity shall not be shared**  
21 **with a federal government entity, except pursuant to:**

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

23           **(2) A warrant under section 542.271; or**

24           **(3) Exigent circumstances which require immediate release of**  
25 **the captured plate data.**

26           **4. A government entity making a preservation request under this**  
27 **section shall submit an affidavit to a court of competent jurisdiction**  
28 **stating:**

29           **(1) The particular camera or cameras for which captured plate**  
30 **data must be preserved or the particular license plate for which**  
31 **captured plate data must be preserved;**

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

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

38           **5. A published and distributed law enforcement organization**  
39 **policy shall:**

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

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

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

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

51           **6. Captured plate data preserved under subsection 2 of this**  
52 **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 plate data.**

57           **7. Captured plate data and evidence derived from it shall not be**  
58 **received in evidence in any trial, hearing, or other proceeding before**  
59 **any court, grand jury, department, officer, agency, regulatory body,**  
60 **legislative committee, or other authority of the state or a political**  
61 **subdivision of the state if the disclosure of that information would be**  
62 **in violation of this section.**

63           **8. A person commits the offense of misuse of license plate reader**  
64 **information under this section if he or she knowingly or recklessly**  
65 **obtains or discloses information collected by automated license plate**  
66 **reader systems operated by a government entity for private or personal**  
67 **use, or for a purpose other than in connection with their official**  
68 **duties. The offense of misuse of license plate reader information is a**  
69 **class D felony.**

70           **9. The department of public safety shall promulgate, by rule, a**  
71 **standard for the placement of fixed automated license plate reader**  
72 **cameras by August 28, 2015, which shall be posted on the department's**  
73 **official website. For a fixed automated license plate reader camera**  
74 **installed after the promulgation of the rule, a government entity**  
75 **requesting such camera shall submit an application to the department**  
76 **of public safety for approval prior to installation. Government entities**  
77 **utilizing fixed automated license plate reader cameras in operation**  
78 **prior to the promulgation of the rule shall have thirty days after the**  
79 **promulgation of the rule to submit an application to the department of**  
80 **public safety for approval, and if such application is denied, the camera**  
81 **shall be removed. Any application submitted to the department of**  
82 **public safety shall include a justification for the placement of the fixed**  
83 **automated license plate reader camera. Any government entity**  
84 **utilizing a fixed automated license plate reader camera shall make**  
85 **available, upon request, any application for such fixed automated**  
86 **license plate reader camera. The department of public safety shall**  
87 **promulgate all necessary rules and regulations for the administration**  
88 **of this section. Any rule or portion of a rule, as that term is defined in**  
89 **section 536.010, that is created under the authority delegated in this**  
90 **section shall become effective only if it complies with and is subject to**  
91 **all of the provisions of chapter 536 and, if applicable, section**

92 **536.028. This section and chapter 536 are nonseverable and if any of**  
93 **the powers vested with the general assembly pursuant to chapter 536**  
94 **to review, to delay the effective date, or to disapprove and annual a**  
95 **rule are subsequently held unconstitutional, then the grant of**  
96 **rulemaking authority and any rule proposed or adopted after August**  
97 **28, 2014, shall be invalid and void.**

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Unofficial

Bill

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