

SECOND REGULAR SESSION

SENATE BILL NO. 599

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed December 3, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4725S.01I

AN ACT

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

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 shall not be preserved for more than thirty days, except pursuant to:

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

(2) 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 stating:

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

22 captured plate data must be preserved;

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

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

29 4. Captured plate data preserved under subsection 2 of this
30 section shall be destroyed at the conclusion of either:

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

33 (2) Any criminal action undertaken in the matter involving the
34 captured plate data.

35 5. Captured plate data and evidence derived from it shall not be
36 received in evidence in any trial, hearing, or other proceeding before
37 any court, grand jury, department, officer, agency, regulatory body,
38 legislative committee, or other authority of the state or a political
39 subdivision of the state if the disclosure of that information would be
40 in violation of this section.

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