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SENATE BILL 71

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO LAW ENFORCEMENT; ENACTING THE AUTOMATIC LICENSE
PLATE READER ACT; PERMITTING LICENSE PLATE DATA TO BE USED FOR
LAW ENFORCEMENT INVESTIGATIONS; LIMITING THE RETENTION OF
LICENSE PLATE DATA; PROTECTING THE SECURITY OF THE COLLECTED
DATA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Automatic License Plate Reader Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Automatic License Plate Reader Act:

A. "alert" means a notification that occurs when
license plate data contained in an automatic license plate
reader system matches data found in a New Mexico or national
crime investigation database;

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1 B. "automatic license plate reader system" means
2 high-speed cameras that are attached to law enforcement
3 vehicles or mounted on street poles, highway overpasses or
4 mobile trailers and used to convert images of license plates
5 into computer-readable license plate data and includes license
6 plate data manually entered by law enforcement officers;

7 C. "law enforcement agency" means an agency of the
8 state or local political subdivision of the state of New Mexico
9 that employs certified law enforcement officers or the police
10 department of an Indian nation, tribe or pueblo that has
11 entered into an agreement with the department of public safety
12 pursuant to Section 29-1-11 NMSA 1978; and

13 D. "license plate data" means a vehicle's
14 characteristics, including make, model, color and license plate
15 number; a photo of the vehicle, driver or passengers; the
16 global positioning system coordinates; and the date and time of
17 travel.

18 SECTION 3. [NEW MATERIAL] PERMITTED USE OF AUTOMATIC
19 LICENSE PLATE READERS AND LICENSE PLATE DATA.--

20 A. For law enforcement investigatory purposes, a
21 law enforcement agency may compare license plate data in an
22 automatic license plate reader system with data from:

23 (1) the motor vehicle division of the taxation
24 and revenue department;

25 (2) the New Mexico criminal justice

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1 information system;

2 (3) the national crime information center;

3 (4) the national center for missing and
4 exploited children;

5 (5) the New Mexico missing persons
6 clearinghouse;

7 (6) the federal department of homeland
8 security watchlist service; and

9 (7) the state of New Mexico or federal
10 department of transportation commercial vehicle compliance
11 database.

12 B. License plate data shall be manually entered
13 into an automatic license plate reader system and compared with
14 data from the state of New Mexico and federal law enforcement
15 databases when an officer determines that a vehicle is:

16 (1) unregistered, uninsured or stolen;

17 (2) registered to a person who has a New
18 Mexico outstanding felony warrant, is associated with a missing
19 person or is committing a felony;

20 (3) a commercial vehicle that is unsafe,
21 carrying contraband or not registered with the federal or state
22 of New Mexico department of transportation; or

23 (4) parked illegally in an area that is not
24 open to the public and secured by clear boundaries.

25 SECTION 4. [NEW MATERIAL] LIMITING THE RETENTION OF

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1 LICENSE PLATE DATA.--

2 A. License plate data in an automatic license plate
3 reader system shall be retained by a law enforcement agency for
4 one year if there is an alert that the vehicle may be connected
5 to a criminal or missing persons investigation.

6 B. License plate data in an automatic license plate
7 reader system shall be deleted after fourteen days if there is
8 no alert, except that the license plate data shall be retained:

9 (1) if a law enforcement agency determines the
10 license plate data is material to an ongoing criminal or
11 missing persons investigation;

12 (2) upon written request of a law enforcement
13 agency, a prosecutor or a defendant in a criminal case to
14 preserve the license plate data; or

15 (3) upon issuance of a probable cause warrant.

16 C. A law enforcement agency that uses an automatic
17 license plate reader system shall protect the security of the
18 license plate data collected and adopt a policy prohibiting:

19 (1) sharing license plate data with third
20 parties within the state of New Mexico or outside of the state
21 unless the third parties have policies that conform to the
22 requirements provided in the Automatic License Plate Reader
23 Act;

24 (2) selling or making available license plate
25 data to non-law enforcement officers or agencies;

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1 (3) sharing of license plate data by third-
2 party vendors; and

3 (4) collection and retention of data that is
4 not defined as license plate data in the Automatic License
5 Plate Reader Act.

6 D. A law enforcement agency that uses an automatic
7 license plate reader system shall:

8 (1) promulgate rules concerning retaining and
9 deleting license plate data; and

10 (2) report annually to the legislature on its
11 automatic license plate reader system practices and usage,
12 including:

13 (a) the number of license plates
14 scanned;

15 (b) the number of matches that resulted
16 in arrest and prosecution;

17 (c) the number of times license plate
18 data was exculpatory in a criminal proceeding;

19 (d) the number of preservation requests
20 received; and

21 (e) any changes in policy that affect
22 privacy concerns.

23 E. An automatic license plate reader system shall
24 not be used by a law enforcement agency to intentionally target
25 an individual, group, community or geographic location based on

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1 race, ethnicity, national origin, ancestry, religion, age,
2 physical or mental handicap, serious medical condition, sex,
3 spousal affiliation, gender identity, sexual orientation,
4 pregnancy or pregnancy-related condition.

5 F. License plate data in an automatic license plate
6 reader system is confidential and not considered a public
7 record for the purposes of the Inspection of Public Records
8 Act; provided that the license plate data may be disclosed to
9 the person to whom the vehicle is registered or with the
10 written consent of the person to whom the vehicle is registered
11 unless there is an outstanding protection order protecting the
12 driver of a vehicle jointly registered with or registered
13 solely in the name of the person against whom the protective
14 order was issued.