

## House Bill 79

By: Representatives Pezold of the 133<sup>rd</sup>, Powell of the 32<sup>nd</sup>, Caldwell of the 20<sup>th</sup>, Jasperse of the 11<sup>th</sup>, Brockway of the 102<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to  
2 general provisions regarding law enforcement officers and agencies, so as to prohibit law  
3 enforcement from retaining license plate data obtained from automated license plate  
4 recognition systems beyond a certain period; to provide for definitions; to provide for the  
5 exchange of data obtained from license plate recognition systems by law enforcement; to  
6 provide for criminal penalties for misuse of captured license plate data; to provide for  
7 policies; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general  
11 provisions regarding law enforcement officers and agencies, is amended by adding a new  
12 Code section to read as follows:

13 "35-1-21.

14 (a) As used in this Code section, the term:

15 (1) 'Automated license plate recognition system' means one or more high-speed cameras  
16 combined with computer algorithms used to convert images of license plates into  
17 computer readable data.

18 (2) 'Captured license plate data' means the global positioning device coordinates, date  
19 and time, photograph, license plate number, and any other data captured by or derived  
20 from an automated license plate recognition system or any other source.

21 (3) 'Law enforcement agency' means the Department of Public Safety, the Department  
22 of Transportation, and any other state, local, public transit, school, college, or university  
23 agency that is responsible for the prevention and detection of crime, local government  
24 code enforcement, and the enforcement of penal, traffic, toll violation, regulatory, game,  
25 or controlled substance laws.

26 (4) 'Law enforcement purpose' means the investigation of an offense or activity attributed  
27 to a case number assigned by a law enforcement agency.

28 (5) 'Person' means an individual, corporation, company, partnership, firm, association,  
29 joint venture, or any other unincorporated association or group.

30 (b) Law enforcement agencies may collect captured license plate data. Such data shall be  
31 stored immediately upon collection and not accessed except for a law enforcement purpose.  
32 All such data collected shall be destroyed no later than one year after such data were  
33 originally collected unless such data are the subject matter of a toll violation or for a law  
34 enforcement purpose.

35 (c) Law enforcement agencies may exchange captured license plate data with other law  
36 enforcement agencies for law enforcement purposes.

37 (d)(1) Any person who knowingly requests, uses, obtains, or attempts to obtain captured  
38 license plate data of a law enforcement agency under false pretenses or for any purpose  
39 other than for a law enforcement purpose shall for each such offense, upon conviction  
40 thereof, be fined not more than \$5,000.00 or imprisoned for not more than two years, or  
41 both.

42 (2) Nothing in this Code section shall be construed to preclude a law enforcement agency  
43 from contracting with a person to hold and maintain captured license plate data for such  
44 law enforcement agency; provided, however, that such person shall be subject to the  
45 policies of the law enforcement agency and paragraph (1) of this subsection.

46 (e) Any law enforcement agency deploying an automated license plate recognition system  
47 shall maintain policies for the use and operation of such system, including but not limited  
48 to policies for the training of law enforcement officers in the use of captured license plate  
49 data consistent with this Code section.

50 (f) Captured license plate data collected by a law enforcement agency shall not be subject  
51 to public disclosure pursuant to Article 4 of Chapter 18 of Title 50."

52 **SECTION 2.**

53 All laws and parts of laws in conflict with this Act are repealed.