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1   **SENATE BILL NO. 452**

2   Offered January 8, 2014

3   Prefiled January 7, 2014

4   *A BILL to amend the Code of Virginia by adding in Chapter 11 of Title 52 a section numbered 52-50,*

5   *relating to license plate reader database; penalty.*

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                      Patron—Howell

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8   Referred to Committee for Courts of Justice

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10   **Be it enacted by the General Assembly of Virginia:**

11   **1. That the Code of Virginia is amended by adding in Chapter 11 of Title 52 a section numbered**

12   **52-50 as follows:**

13   *§ 52-50. License plate reader database; maintenance; access.*

14   *A. For purposes of this section:*

15   *"Department" means the Department of State Police.*

16   *"LPR" means license plate reader.*

17   *"LPR data" includes any data collected by an LPR system, including but not limited to the*

18   *characters appearing on the plate; the time, date, and location of the read; and an image of the license*

19   *plate observed by the LPR.*

20   *B. The Department shall keep and maintain an LPR database under the control of the Virginia*

21   *Fusion Intelligence Center, separate and apart from all other records and systems maintained by the*

22   *Department. The Department may accept LPR data, in a format designated by the Department, from any*

23   *federal, state, or local governmental agency.*

24   *C. The Department or other law-enforcement agency of the Commonwealth or any federal agency*

25   *conducting a criminal investigation may access data, records, and reports regarding LPR data. In*

26   *addition, such information may be accessed if relevant to criminal proceedings in any court or any*

27   *grand jury impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.*

28   *D. All LPR data, records, and reports and any abstracts of such LPR data that are in the possession*

29   *of the Department or other law-enforcement agency pursuant to this section shall be confidential and*

30   *shall not be disseminated except as specifically provided in this section. Unauthorized access to or*

31   *dissemination of LPR data by any person shall be punishable as a Class 4 misdemeanor.*

32   *E. Every 18 months, the Department shall conduct a review of information contained in the LPR*

33   *database maintained by the Virginia Fusion Intelligence Center. Data that has been determined to have*

34   *no nexus to terrorist activity shall be removed from such database. A reasonable suspicion standard*

35   *shall be applied when determining whether or not information has a nexus to terrorist activity.*

36   *F. The provisions of Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 shall not apply to the LPR*

37   *systems, servers, or database.*

38   *G. The Superintendent of State Police shall promulgate regulations, pursuant to the Administrative*

39   *Process Act (§ 2.2-4000 et seq.), for the implementation of this section. Regulations adopted under this*

40   *section shall be deemed a customary police function for purposes of subdivision B 6 of § 2.2-4002.*