

HB 675-FN – AS AMENDED BY THE HOUSE

15Jan2014... 2343h

2013 SESSION

13-0282  
03/04

HOUSE BILL            ***675-FN***

AN ACT                authorizing and regulating the use of license plate scanning devices.

SPONSORS:            Rep. Shurtleff, Merr 11

COMMITTEE:          Criminal Justice and Public Safety

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AMENDED ANALYSIS

This bill authorizes and regulates the use of license plate scanning devices.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   authorizing and regulating the use of license plate scanning devices.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Section; Words and Phrases Defined; Number Plate Scanning Device. Amend RSA 259  
2 by inserting after section 68 the following new section:

3           259:68-a “Number plate scanning device” or “LPR” means a license plate reading device that is  
4 either hand-held or mounted to a vehicle, that is attended to and operated by a law enforcement  
5 officer, and that uses automated high speed camera and optical character recognition technology to  
6 passively read, instantaneously identify against a list or lists, check, send an audible or visual alarm  
7 to the operator, and store for a prescribed period of time, a record of each number plate read.

8           2 Use of Number Plate Scanning Devices Regulated. RSA 261:75-b is repealed and reenacted to  
9 read as follows:

10          261:75-b Use of Number Plate Scanning Devices Regulated. The use of automated number plate  
11 scanning devices, also known as automated license plate readers (LPRs) is restricted to local, county,  
12 and state law enforcement officers who shall only use the devices subject to the following conditions  
13 and limitations:

14           I. An LPR shall be installed for the sole purpose of recording and checking license plates and  
15 shall not be capable of photographing or recording or producing images of the occupants of a motor  
16 vehicle.

17           II. Authority to obtain and issue LPR devices and to administer a documented training  
18 process for acquiring proficiency in their operation and compliance with federal and state regulations  
19 and other appropriate legal mandates shall be vested in the chief of police, director, colonel, county  
20 sheriff, or other head of a law enforcement agency or his or her designee. Only devices authorized by  
21 the head of the law enforcement agency shall be approved for its use by its officers and the devices  
22 shall be maintained in accordance with the manufacturer’s recommendations. Such policy or policies  
23 shall conform to the requirements of this chapter.

24           III. Prior to using an LPR, the law enforcement agency intending to use the device shall  
25 register it with the department of safety on forms approved by the commissioner for that purpose.  
26 The head of the law enforcement agency shall certify that the device meets all the requirements of  
27 this section and that the agency has a policy or policies in effect governing its use and a documented  
28 training process for the officers that will use it.

29           IV. The law enforcement agency shall ensure that data entered into the LPR through a hard  
30 link or wireless upload on a daily basis for the purpose of making deletions and additions to keep

1 current the lists against which the device is scanning. Officers shall make manual changes to the  
2 list during their shifts when they become aware that new bulletins are issued or bulletins are  
3 canceled. Partial plate numbers or characters reported as a result of serious crimes may be entered  
4 into the LPR in an attempt to identify suspected vehicles used in connection with the crime.

5 V. LPR operation and access to LPR collected data shall be for official law enforcement  
6 purposes only. LPR devices shall only be used to scan, detect, and identify license plate numbers  
7 that appear on lists or broadcasts of:

8 (a) Stolen vehicles.

9 (b) Vehicles believed to be driven or occupied by wanted, missing, or endangered persons.

10 (c) Persons that have defaulted court appearances.

11 (d) Persons that have criminal warrants pending or in effect.

12 (e) Persons whose drivers' licenses, driving privileges, or vehicle registrations are under  
13 suspension or revocation.

14 (f) Persons suspected of criminal or terrorist acts, transportation of stolen items or  
15 contraband, or motor vehicle violations.

16 (g) Commercial trucking enforcement.

17 (h) Case-specific criminal investigative surveillance.

18 (i) Conducting license plate canvasses in homicides, shootings, and other major crimes or  
19 incidents.

20 VI. A positive match by an LPR device alone shall not constitute reasonable suspicion as  
21 grounds for a law enforcement officer to stop the vehicle. The officer shall develop independent  
22 reasonable suspicion for the stop or immediately confirm visually that the license plate on the vehicle  
23 matches the image of the license plate displayed on the LPR and confirm by other means that the  
24 license plate number is on one of the lists specified in paragraph V.

25 VII. Prior to stopping a vehicle based on an LPR alarm, the officer shall attempt to visually  
26 verify that the number plate on the list matches the digital image displayed on the LPR. If it  
27 matches the alarm it shall be accepted and the officer shall initiate a query of the National Crime  
28 Information Center (NCIC) database.

29 VIII. Records of number plates read by each LPR shall be purged from the system within 3  
30 minutes of their capture unless an alarm resulted in an arrest, a citation, or protective custody, or  
31 identified a vehicle that was the subject of a missing person or wanted broadcast, in which case the  
32 data on the particular number plate may be retained until final court disposition of the case.

33 IX. Access to LPR records shall only be allowed on a case-by-case basis, for legitimate law  
34 enforcement investigative, prosecution, or audit verification purposes. All inquiries of LPR records  
35 shall be recorded for purposes of an audit trail and maintained by the law enforcement agency in the  
36 same manner as criminal history logs.

37 X. To ensure compliance with the provisions of this section or to investigate complaints of

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**- Page 3 -**

1 misuse of LPR devices, the attorney general or a designee of the department of justice including  
2 county attorneys and law enforcement officers acting at the request of the attorney general may  
3 examine and audit any LPR device, a server used to store LPR data, and records pertaining to the  
4 use of LPR devices maintained by any state, county or local law enforcement agency and the  
5 department of justice may seek an injunction banning the use of LPR devices by an agency found to  
6 have used an LPR device or devices in repeated violation of this section and requiring the  
7 confiscation of LPR devices if the attorney general deems it necessary to prevent ongoing violations  
8 or deter future violations of this subdivision.

9 XI. A law enforcement agency using an LPR device shall report to the commissioner  
10 annually, beginning one year from the date equipment is deployed, the following information  
11 compiled for the previous year:

12 (a) The number of devices in use.

13 (b) The number of matches made by the LPR devices.

14 (c) The number of matches that identified vehicles and individuals sought by law  
15 enforcement and that resulted in stops of vehicles or individuals.

16 (d) The number of matches that resulted in searches of vehicles and individuals,  
17 releases, arrests, or other outcomes.

18 (e) Other information requested by the commissioner.

19 3 Effective Date. This act shall take effect 60 days after its passage.

LBAO  
13-0282  
01/29/13

**HB 675-FN - FISCAL NOTE**

AN ACT                   authorizing and regulating the use of license plate scanning devices.

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, **as introduced**, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2013 through 2017.