

HOUSE BILL No. 5863

September 30, 2014, Introduced by Rep. McMillin and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 822.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 822. (1) AS USED IN THIS SECTION, "REGISTRATION PLATE
2 READING DEVICE" MEANS A DEVICE THAT USES AUTOMATED HIGH-SPEED
3 CAMERA AND OPTICAL CHARACTER RECOGNITION TECHNOLOGY TO PASSIVELY
4 READ MOTOR VEHICLE REGISTRATION PLATE INFORMATION, THAT IMMEDIATELY
5 COMPARES THAT INFORMATION AGAINST OTHER INFORMATION CONTAINED
6 WITHIN OR ACCESSIBLE TO THE DEVICE, THAT SENDS AN AUDIBLE OR VISUAL
7 ALERT WHEN DATA ARE DETERMINED BY THE DEVICE TO BE RELEVANT, AND
8 THAT STORES REGISTRATION PLATE INFORMATION THAT HAS BEEN READ FOR A

1 PRESCRIBED PERIOD OF TIME.

2 (2) THE USE OF REGISTRATION PLATE READING DEVICES IS
3 RESTRICTED TO LOCAL, COUNTY, AND STATE LAW ENFORCEMENT OFFICERS WHO
4 MAY ONLY USE THE DEVICES SUBJECT TO THE FOLLOWING CONDITIONS AND
5 LIMITATIONS:

6 (A) A REGISTRATION PLATE READING DEVICE SHALL BE INSTALLED FOR
7 THE SOLE PURPOSE OF RECORDING AND CHECKING MOTOR VEHICLE
8 REGISTRATION PLATE INFORMATION AND SHALL NOT BE CAPABLE OF
9 PHOTOGRAPHING OR RECORDING OR PRODUCING IMAGES OF THE OCCUPANTS OF
10 A MOTOR VEHICLE.

11 (B) THE AUTHORITY TO OBTAIN AND ISSUE REGISTRATION PLATE
12 READING DEVICES AND TO ADMINISTER A DOCUMENTED TRAINING PROCESS FOR
13 THE OPERATION OF THOSE DEVICES IN COMPLIANCE WITH FEDERAL AND STATE
14 LAWS AND REGULATIONS AND OTHER APPROPRIATE LEGAL MANDATES SHALL BE
15 VESTED IN THE HEAD OF THE LAW ENFORCEMENT AGENCY OR HIS OR HER
16 DESIGNEE. ONLY DEVICES AUTHORIZED BY THE HEAD OF THE LAW
17 ENFORCEMENT AGENCY OR HIS OR HER DESIGNEE SHALL BE APPROVED FOR USE
18 BY THE OFFICERS OF THAT AGENCY. ALL REGISTRATION PLATE READING
19 DEVICES SHALL BE MAINTAINED IN ACCORDANCE WITH THE MANUFACTURER'S
20 RECOMMENDATIONS AND WITH THE REQUIREMENTS OF THIS SECTION.

21 (C) BEFORE USING A REGISTRATION PLATE READING DEVICE, THE LAW
22 ENFORCEMENT AGENCY INTENDING TO USE THE DEVICE SHALL REGISTER IT
23 WITH THE DEPARTMENT OF STATE POLICE ON FORMS APPROVED BY THE
24 DEPARTMENT OF STATE POLICE FOR THAT PURPOSE AND MUST CERTIFY ON
25 THOSE FORMS THAT THE DEVICE MEETS ALL THE REQUIREMENTS OF THIS
26 SECTION, THAT THE AGENCY HAS A POLICY IN EFFECT GOVERNING THE USE
27 OF THAT DEVICE, AND THAT THE AGENCY HAS A DOCUMENTED TRAINING

1 PROCESS FOR ALL OF THE OFFICERS WHO WILL USE THAT DEVICE.

2 (D) A LAW ENFORCEMENT AGENCY SHALL ENSURE THAT DATA IS ENTERED
3 INTO EACH REGISTRATION PLATE READING DEVICE USED BY THAT LAW
4 ENFORCEMENT AGENCY ON A DAILY BASIS TO ENSURE THAT ALL INFORMATION
5 IN THE DEVICE IS KEPT CURRENT. OFFICERS WHO BECOME AWARE DURING
6 THEIR SHIFTS THAT NEW BULLETINS ARE ISSUED OR EXISTING BULLETINS
7 ARE CANCELED SHALL MANUALLY ENTER THAT INFORMATION INTO THE
8 REGISTRATION PLATE READING DEVICE IF NECESSARY TO KEEP THE
9 INFORMATION CURRENT. PARTIAL REGISTRATION PLATE INFORMATION
10 REPORTED AS A RESULT OF SERIOUS CRIMES MAY BE ENTERED INTO A
11 REGISTRATION PLATE READING DEVICE TO ASSIST IN IDENTIFYING A
12 VEHICLE THAT IS SUSPECTED TO HAVE BEEN USED IN CONNECTION WITH THE
13 CRIME.

14 (E) A REGISTRATION PLATE READING DEVICE AND ALL INFORMATION
15 OBTAINED THROUGH A REGISTRATION PLATE READING DEVICE SHALL BE USED
16 ONLY FOR OFFICIAL LAW ENFORCEMENT PURPOSES. A REGISTRATION PLATE
17 READING DEVICE SHALL ONLY BE USED TO SCAN, DETECT, AND IDENTIFY
18 REGISTRATION PLATE INFORMATION THAT APPEARS ON A LIST OR A
19 BROADCAST RELATING TO 1 OR MORE OF THE FOLLOWING:

20 (i) A STOLEN VEHICLE.

21 (ii) A VEHICLE BELIEVED TO BE OPERATED OR OCCUPIED BY A WANTED,
22 MISSING, OR ENDANGERED PERSON.

23 (iii) AN INDIVIDUAL WHO HAS FAILED TO APPEAR IN COURT AS
24 REQUIRED BY THE COURT.

25 (iv) AN INDIVIDUAL WHO HAS A CRIMINAL WARRANT PENDING OR IN
26 EFFECT.

27 (v) AN INDIVIDUAL WHOSE DRIVER LICENSE, DRIVING PRIVILEGE, OR

1 VEHICLE REGISTRATION IS SUSPENDED OR REVOKED.

2 (vi) AN INDIVIDUAL WHO IS SUSPECTED OF COMMITTING A CRIMINAL OR
3 TERRORIST ACT, WHO IS TRANSPORTING A STOLEN ITEM OR CONTRABAND, OR
4 WHO HAS COMMITTED A MOTOR VEHICLE VIOLATION.

5 (vii) COMMERCIAL VEHICLE OPERATION AND ENFORCEMENT.

6 (viii) INVESTIGATIVE SURVEILLANCE IN A SPECIFIC CRIMINAL CASE.

7 (ix) CANVASSING REGISTRATION PLATE INFORMATION THAT IS RELEVANT
8 TO A HOMICIDE, SHOOTING, OR OTHER MAJOR CRIME OR INCIDENT.

9 (x) DETERMINING ANY DEFAULT OF A FINE IMPOSED FOR VIOLATING A
10 PARKING ORDINANCE.

11 (F) A POSITIVE MATCH BY A REGISTRATION PLATE READING DEVICE
12 CONSTITUTES REASONABLE GROUNDS FOR A LAW ENFORCEMENT OFFICER TO
13 STOP THE VEHICLE AND TEMPORARILY DETAIN THE VEHICLE AND ITS
14 OCCUPANTS TO CONFIRM OR DISPEL THE INFORMATION PROVIDED THROUGH THE
15 REGISTRATION PLATE READING DEVICE.

16 (G) BEFORE STOPPING A VEHICLE BASED ON A REGISTRATION PLATE
17 READING DEVICE ALERT, THE OFFICER SHALL ATTEMPT TO VISUALLY VERIFY
18 THAT THE REGISTRATION INFORMATION ON THE LIST MATCHES THE DIGITAL
19 IMAGE DISPLAYED ON THE REGISTRATION PLATE READING DEVICE. IF IT
20 MATCHES, THE OFFICER MAY INITIATE A QUERY OF THE NATIONAL CRIME
21 INFORMATION CENTER (NCIC) DATABASE.

22 (H) ALL RECORDS OF REGISTRATION PLATE INFORMATION READ BY EACH
23 REGISTRATION PLATE READING DEVICE SHALL BE PURGED FROM THE SYSTEM
24 WITHIN 2 HOURS AFTER THE END OF THE SHIFT UNLESS THE RECORD IS FOR
25 AN ALERT THAT RESULTED IN AN ARREST, A CITATION, OR PROTECTIVE
26 CUSTODY, OR IS FOR AN ALERT THAT CONFIRMED THAT A VEHICLE WAS THE
27 SUBJECT OF A MISSING PERSON OR WANTED BROADCAST, IN WHICH CASE THE

1 INFORMATION REGARDING THAT REGISTRATION PLATE MAY BE RETAINED UNTIL
2 THE CASE IS FINALLY DISPOSED OF BY THE COURT.

3 (I) ACCESS TO REGISTRATION PLATE INFORMATION MAINTAINED UNDER
4 THIS SECTION SHALL ONLY BE ALLOWED ON A CASE-BY-CASE BASIS AND FOR
5 LEGITIMATE LAW ENFORCEMENT INVESTIGATIVE, PROSECUTION, OR AUDIT
6 VERIFICATION PURPOSES ONLY. ALL INQUIRIES OF REGISTRATION PLATE
7 INFORMATION MAINTAINED UNDER THIS SECTION SHALL BE RECORDED FOR
8 PURPOSES OF AN AUDIT AND SHALL BE MAINTAINED BY THE LAW ENFORCEMENT
9 AGENCY IN THE SAME MANNER AS CRIMINAL HISTORY LOGS. INFORMATION
10 MAINTAINED UNDER THIS SECTION IS NOT SUBJECT TO DISCLOSURE UNDER
11 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

12 (3) TO ENSURE COMPLIANCE WITH THIS SECTION OR TO INVESTIGATE
13 COMPLAINTS OF MISUSE OF REGISTRATION PLATE READING DEVICES, THE
14 ATTORNEY GENERAL OR A DESIGNEE OF THE ATTORNEY GENERAL, INCLUDING
15 ANY COUNTY PROSECUTING ATTORNEY OR LAW ENFORCEMENT OFFICER ACTING
16 AT THE REQUEST OF THE ATTORNEY GENERAL, MAY EXAMINE AND AUDIT ANY
17 REGISTRATION PLATE READING DEVICE, A SERVER USED TO STORE
18 INFORMATION OBTAINED THROUGH REGISTRATION PLATE READING DEVICES,
19 AND ANY RECORDS PERTAINING TO THE USE OF REGISTRATION PLATE READING
20 DEVICES MAINTAINED BY ANY STATE, COUNTY, OR LOCAL LAW ENFORCEMENT
21 AGENCY. THE ATTORNEY GENERAL MAY SEEK AN INJUNCTION BANNING THE USE
22 OF REGISTRATION PLATE READING DEVICES BY ANY AGENCY FOUND TO HAVE
23 USED A REGISTRATION PLATE READING DEVICE IN REPEATED VIOLATION OF
24 THIS SECTION AND REQUIRING THE CONFISCATION OF ALL REGISTRATION
25 PLATE READING DEVICES OWNED OR MAINTAINED BY THAT AGENCY IF THE
26 ATTORNEY GENERAL CONSIDERS IT NECESSARY TO PREVENT ONGOING
27 VIOLATIONS OR TO DETER FUTURE VIOLATIONS OF THIS SUBSECTION BY THAT

1 AGENCY.