

SENATE BILL No. 305

By Committee on Ways and Means

3-23

1 AN ACT concerning law enforcement; relating to automated license plate
2 recognition systems; requiring each law enforcement agency that
3 utilizes such systems to adopt and maintain a detailed, written policy
4 relating to the use and operation of such systems; prescribing
5 restrictions and requirements relating to the collection, storage and
6 sharing of captured license plate data; criminal penalties for unlawful
7 acts relating to such data.
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9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. (a) (1) Law enforcement agencies may collect captured
11 license plate data as provided in this section. Such data shall be stored
12 immediately upon collection and accessed only for a legitimate law
13 enforcement purpose.

14 (2) Captured license plate data shall not be sold, shared, disclosed or
15 otherwise distributed for a commercial purpose. This provision shall not
16 prohibit the use of automated license plate recognition systems by an
17 individual or private legal entity for lawful purposes.

18 (3) Law enforcement agencies may exchange or share captured
19 license plate data with other law enforcement agencies for a legitimate law
20 enforcement purpose.

21 (b) (1) Nothing in this section shall be construed to preclude a law
22 enforcement agency from contracting with a person to store and securely
23 maintain captured license plate data on behalf of such law enforcement
24 agency.

25 (2) Such person shall be subject to the policies of the law
26 enforcement agency as defined in this section.

27 (3) Such storage shall be compliant with accepted data security
28 standards as used by the law enforcement agency.

29 (c) Each law enforcement agency that utilizes an automated license
30 plate recognition system shall adopt and maintain a detailed, written policy
31 relating to the use and operation of such system. Such policy shall include,
32 but not be limited to, the following:

33 (1) A specified retention period of captured license plate data not to
34 exceed 60 months after being originally collected unless such data is:

35 (A) Relevant and material to an ongoing criminal investigation and
36 subject to a preservation request by a law enforcement agency; or

- 1 (B) the subject of a warrant, subpoena or court order;
- 2 (2) defined requirements for law enforcement agency employees to
3 gain access or query captured license plate data gathered by an automated
4 license plate recognition system;
- 5 (3) the designation of an automated license plate recognition system
6 administrator to be the point of contact on behalf of the law enforcement
7 agency;
- 8 (4) an audit process to ensure that information obtained through the
9 use of an automated license plate recognition system is used only for
10 legitimate law enforcement purposes; and
- 11 (5) procedures regarding the proper training of automated license
12 plate recognition system operators and all law enforcement agency staff
13 who have access to captured license plate data.
- 14 (d) Any searches performed or alerts established by a law
15 enforcement agency related to an automated license plate recognition
16 system shall contain a legitimate, specified and documented law
17 enforcement purpose.
- 18 (e) (1) It is unlawful for any person to knowingly use, obtain or
19 attempt to obtain captured license plate data of a law enforcement agency
20 under false pretenses or for any purpose other than for a legitimate law
21 enforcement purpose.
- 22 (2) Violation of this subsection is a class C nonperson misdemeanor.
- 23 (f) Captured license plate data shall be confidential and shall not be
24 subject to the provisions of the Kansas open records act, K.S.A. 45-215 et
25 seq., and amendments thereto. The provisions of this subsection shall
26 expire on July 1, 2026, unless the legislature reviews and reenacts this
27 provision pursuant to K.S.A. 45-229, and amendments thereto, prior to
28 July 1, 2026.
- 29 (g) As used in this section:
- 30 (1) "Automated license plate recognition system" means one or more
31 high-speed cameras combined with computer algorithms used to convert
32 images of license plates into computer readable data;
- 33 (2) "captured license plate data" means the global positioning device
34 coordinates, date and time, photograph, license plate number and any other
35 data captured by or derived from an automated license plate recognition
36 system;
- 37 (3) "commercial purpose" means the use of a record or records, or
38 information derived from records, in any form for sale, resale or
39 solicitation or advertisement for sales or services;
- 40 (4) "law enforcement agency" means a public agency that employs a
41 law enforcement officer as defined in K.S.A. 74-5602, and amendments
42 thereto;
- 43 (5) "legitimate law enforcement purpose" means the investigation or

1 detection of any criminal offense or any search or alert related to an
2 endangered or missing person initiated by a law enforcement agency; and

3 (6) "person" means an individual, corporation, company, partnership,
4 firm, association, joint venture or any other unincorporated association or
5 group.

6 Sec. 2. This act shall take effect and be in force from and after its
7 publication in the statute book.