

SB 1516 A -A15 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 3/2, 3/3

WHAT THE MEASURE DOES:

The measure is a public safety omnibus that regulates law enforcement use of automated license plate readers, reinforces a magistrate's authority to consider primary and secondary release criteria when making pretrial release decisions, and directs the Criminal Justice Commission to select a culturally responsive technical assistance provider for the Justice Reinvestment Equity Program grants. The measure declares an emergency, effective on its passage.

FISCAL: Has minimal fiscal impact

REVENUE: Has minimal revenue impact

SENATE VOTE: Ayes, 27; Nays, 0

Detailed Summary:

Pretrial Release Decisions (Sections 1–2)

Limits standing orders' effects on a magistrate's authority to make a pretrial release decision based on statutory release criteria, including community safety and the risk of failure to appear.

Automated License Plate Readers (Sections 3–11)

Limits how law enforcement collects, uses, and shares automated license plate reader (ALPR) data, provides required terms for contracts with vendors, and creates a private right of action for vendor misuse of data.

- Authorizes Oregon law enforcement agencies to use ALPRs only for the following purposes (Section 4):
 - Identifying vehicles that were used to facilitate the commission of a crime or avoid apprehension for it, if the crime falls under or is substantially equivalent to a crime under Oregon law, or for federal crimes, with exceptions
 - Identifying vehicles used to facilitate the commission of a violation, except for traffic violations
 - Identifying vehicles registered to people for whom there is a warrant for arrest, if for a crime that falls under or is substantially equivalent to a crime under Oregon law, or for federal crimes, with exceptions
 - Identifying vehicles that are associated with a missing or endangered person, including for Amber Alerts or Silver Alerts
 - Identifying vehicles that are uninsured or not properly registered
 - Regulating the use of parking facilities
 - Controlling access to secured areas
- Explicitly prohibits the following uses (Section 4 (2)(a)(C), (2)(c)(C)):
 - Purposes that would be contrary to Oregon's Shield law, Oregon Revised Statutes (ORS) 24.500
 - Immigration enforcement, per ORS 181A.820 and ORS 181.826
 - Collecting political, religious, or social views, and associations or activities, unless directly relating to an investigation of criminal activities with reasonable grounds to suspect the information is or may be involved in criminal conduct, per ORS 181A.250
- Limits retention of captured license plate data to 30 days, unless related to a court proceeding or criminal investigation for which evidentiary laws and rules apply (Section 4(3))
- Requires law enforcement agencies to log certain information, including the purpose for the search and the specific type of crime or violation if the search relates to an investigation (Section 4(4))

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- Allows law enforcement to compare captured data against hot lists and specified databases, but requires them to log certain information for auditing (Section 4 (4) to (6))
- Requires agencies to log information regarding searches for non-Oregon law enforcement (Section 5)
- Permits a law enforcement agency to request data from a non-law enforcement agency (Section 5 (7))
- Specifies requirements for law enforcement agency policies and vendor contracts (Section 7)
 - Designates the law enforcement agency as the owner of captured license plate data
 - Prohibits vendors from using or licensing captured license plate data, except for limited technical assistance requested by the law enforcement agency and for completing audit requirements
 - Requires captured license plate data be encrypted using, at a minimum, end-to-end encryption
- Requires monthly and quarterly audits from the vendor, which must be made public by the agency within two days (Section 6)
- Exempts captured license plate data from public records requests, except for redacted logs (Section 11)
- Creates a private right of action for damages caused by intentional or grossly negligent vendor violations, and allows any person to file an action to enjoin a violation (Section 9)

Justice Reinvestment Equity Program Grant Administration (Section 12)

Removes the specifically named nonprofit as the administrator of and technical assistance provider for Justice Reinvestment Equity Program sub-grants. Directs the Criminal Justice Commission to select a culturally responsive technical assistance provider with prior experience working with sub-grantees. Lists technical assistance provider responsibilities.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF AMENDMENT:

-A15 The amendment adds a definition of end-to-end encryption to mean a method of data encryption that ensures only the owner of the captured license plate data possesses the capability to decrypt, access or grant access to the data.

FISCAL: Has minimal fiscal impact

REVENUE: Has minimal revenue impact

BACKGROUND:

ALPRs are camera systems that capture license plate data and related information from passing vehicles. They can be fixed and mounted in specific locations, often using existing infrastructure, or they can be mobile, such as on police vehicles. The ALPR system uses an algorithm to detect license plates in a photo or video and read their numbers. Some systems also detect vehicle type, color, and distinct characteristics. Law enforcement can search for specific plates or vehicles, or they can have the ALPR system generate an alert for license plate or vehicle information on a hot list.