

HOUSE BILL No. 5248

January 26, 2016, Introduced by Reps. Singh, Moss, Lucido, Irwin and Runestad and referred to the Committee on Criminal Justice.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding a division heading and sections 751 and 752.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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REGISTRATION PLATE READING DEVICES

SEC. 751. AS USED IN SECTION 752:

(A) "LAW ENFORCEMENT AGENCY" MEANS THAT TERM AS DEFINED IN SECTION 1A OF 1925 PA 289, MCL 28.241A.

(B) "REGISTRATION PLATE READING DEVICE" OR "RPR" MEANS A DEVICE THAT SATISFIES ALL OF THE FOLLOWING:

(i) IS HAND-HELD, STATIONARY, OR MOUNTED TO A VEHICLE.

(ii) USES AUTOMATED HIGH-SPEED CAMERA AND OPTICAL CHARACTER RECOGNITION TECHNOLOGY.

(iii) PASSIVELY READS A REGISTRATION PLATE NUMBER,

1 INSTANTANEOUSLY COMPARES THE REGISTRATION PLATE NUMBER AGAINST A
2 LIST, SENDS AN AUDIBLE OR VISUAL ALARM TO THE OPERATOR IF THE
3 REGISTRATION PLATE NUMBER MATCHES INFORMATION ON THAT LIST, AND
4 STORES A RECORD OF EACH REGISTRATION PLATE NUMBER READ BY THE
5 DEVICE FOR A PRESCRIBED PERIOD OF TIME.

6 SEC. 752. (1) AN RPR MAY ONLY BE USED BY A POLICE OFFICER AS
7 PROVIDED IN THIS SECTION.

8 (2) THE AUTHORITY TO OBTAIN AND ISSUE AN RPR, TO ADMINISTER A
9 DOCUMENTED TRAINING PROCESS FOR THE OPERATION OF AN RPR, AND TO
10 ENSURE COMPLIANCE WITH FEDERAL, STATE, AND OTHER APPLICABLE
11 REGULATIONS IS VESTED IN THE HEAD OF A LAW ENFORCEMENT AGENCY OR
12 HIS OR HER DESIGNEE. A LAW ENFORCEMENT AGENCY MAY ONLY USE AN RPR
13 THAT HAS BEEN APPROVED FOR USE BY THE HEAD OF THE LAW ENFORCEMENT
14 AGENCY OR HIS OR HER DESIGNEE.

15 (3) A LAW ENFORCEMENT AGENCY SHALL MAINTAIN AN RPR IN
16 ACCORDANCE WITH THE RECOMMENDATIONS OF THE MANUFACTURER OF THE RPR.

17 (4) BEFORE USING AN RPR, THE HEAD OF A LAW ENFORCEMENT AGENCY
18 SHALL ATTEST TO ALL OF THE FOLLOWING:

19 (A) THE RPR MEETS ALL REQUIREMENTS OF THIS SECTION.

20 (B) THE LAW ENFORCEMENT AGENCY HAS A POLICY IN EFFECT
21 GOVERNING THE USE OF AN RPR.

22 (C) THE LAW ENFORCEMENT AGENCY HAS A DOCUMENTED TRAINING
23 PROCESS TO TRAIN EACH POLICE OFFICER WHO WILL BE USING AN RPR.

24 (5) A LAW ENFORCEMENT AGENCY SHALL ENSURE THAT THE LISTS
25 AGAINST WHICH THE LAW ENFORCEMENT AGENCY IS COMPARING THE
26 REGISTRATION PLATE NUMBERS SCANNED BY AN RPR ARE KEPT CURRENT BY
27 ENTERING DATA INTO THE RPR DAILY THROUGH EITHER A HARD LINK OR A

1 WIRELESS UPLOAD. IF A POLICE OFFICER BECOMES AWARE THAT A NEW
2 BULLETIN IS ISSUED OR A BULLETIN IS CANCELED, HE OR SHE SHALL
3 MANUALLY CHANGE THE LIST AGAINST WHICH REGISTRATION PLATE NUMBERS
4 SCANNED BY THE RPR ARE BEING COMPARED. A POLICE OFFICER MAY ENTER
5 INTO AN RPR A PARTIAL REGISTRATION PLATE NUMBER THAT HAS BEEN
6 REPORTED AS A RESULT OF A SERIOUS CRIME TO IDENTIFY SUSPECTED
7 VEHICLES USED IN CONNECTION WITH THAT CRIME.

8 (6) THE OPERATION OF AN RPR AND ACCESS TO DATA COLLECTED BY AN
9 RPR IS RESTRICTED TO LAW ENFORCEMENT AGENCIES FOR OFFICIAL LAW
10 ENFORCEMENT PURPOSES ONLY. A LAW ENFORCEMENT AGENCY SHALL USE AN
11 RPR ONLY TO SCAN, DETECT, AND IDENTIFY REGISTRATION PLATE NUMBERS
12 THAT APPEAR ON LISTS OR BROADCASTS OF 1 OR MORE OF THE FOLLOWING:

13 (A) STOLEN VEHICLES.

14 (B) VEHICLES BELIEVED TO BE DRIVEN OR OCCUPIED BY WANTED,
15 MISSING, OR ENDANGERED INDIVIDUALS.

16 (C) INDIVIDUALS WHO ARE IN DEFAULT FOR FAILURE TO MAKE
17 REQUIRED COURT APPEARANCES.

18 (D) INDIVIDUALS FOR WHOM A CRIMINAL WARRANT IS PENDING OR IN
19 EFFECT.

20 (E) INDIVIDUALS WHOSE OPERATOR'S LICENSES, DRIVING PRIVILEGES,
21 OR VEHICLE REGISTRATIONS HAVE BEEN SUSPENDED OR REVOKED.

22 (F) INDIVIDUALS WHO ARE SUSPECTED OF CRIMINAL OR TERRORIST
23 ACTS, TRANSPORTATION OF STOLEN ITEMS OR CONTRABAND, OR VIOLATIONS
24 OF THIS ACT.

25 (G) COMMERCIAL TRUCKING ENFORCEMENT INFORMATION.

26 (H) CRIMINAL INVESTIGATIVE SURVEILLANCE FOR A SPECIFIC CASE.

27 (I) REGISTRATION PLATE CANVASSES IN HOMICIDES, SHOOTINGS, OR

1 OTHER MAJOR CRIMES OR INCIDENTS.

2 (7) A POSITIVE MATCH BETWEEN A REGISTRATION PLATE NUMBER
3 SCANNED BY AN RPR AND INFORMATION ON 1 OR MORE OF THE LISTS OR
4 BROADCASTS LISTED IN SUBSECTION (6) CONSTITUTES REASONABLE
5 SUSPICION FOR A POLICE OFFICER TO STOP A VEHICLE AND TEMPORARILY
6 DETAIN THE VEHICLE AND ITS OCCUPANTS TO CONFIRM OR DISPEL THE
7 INFORMATION PROVIDED BY THE RPR.

8 (8) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A LAW
9 ENFORCEMENT AGENCY SHALL PURGE RECORDS OF REGISTRATION PLATES READ
10 BY AN RPR FROM THE SYSTEM NO LATER THAN 48 HOURS AFTER THE END OF
11 THE SHIFT DURING WHICH THEY WERE COLLECTED. A LAW ENFORCEMENT
12 AGENCY MAY RETAIN A RECORD OF A REGISTRATION PLATE UNTIL FINAL
13 DISPOSITION OF A CASE IF AN AUDIBLE OR VISUAL ALARM SENT BY AN RPR
14 TO THE OPERATOR RESULTED IN AN ARREST, A CITATION, PROTECTIVE
15 CUSTODY, OR THE IDENTIFICATION OF A VEHICLE THAT WAS THE SUBJECT OF
16 A MISSING PERSON OR WANTED BROADCAST.

17 (9) A LAW ENFORCEMENT AGENCY MAY ALLOW ACCESS TO RPR RECORDS
18 FOR LEGITIMATE LAW ENFORCEMENT INVESTIGATIVE, PROSECUTION, OR AUDIT
19 VERIFICATION PURPOSES. A LAW ENFORCEMENT AGENCY SHALL KEEP A RECORD
20 OF ALL INQUIRIES FOR RPR RECORDS AND SHALL MAINTAIN THOSE RECORDS
21 IN THE SAME MANNER AS THE LAW ENFORCEMENT AGENCY MAINTAINS CRIMINAL
22 HISTORY RECORDS.

23 (10) TO ENSURE COMPLIANCE WITH THIS SECTION OR TO INVESTIGATE
24 COMPLAINTS OF MISUSE OF RPR DEVICES, THE ATTORNEY GENERAL OR HIS OR
25 HER DESIGNEE, INCLUDING A COUNTY PROSECUTING ATTORNEY OR A POLICE
26 OFFICER ACTING AT THE REQUEST OF THE ATTORNEY GENERAL, MAY EXAMINE
27 AND AUDIT AN RPR, A SERVER USED TO STORE RPR DATA, OR RECORDS

1 RELATED TO THE USE OF AN RPR MAINTAINED BY A LAW ENFORCEMENT
2 AGENCY. THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE MAY SEEK AN
3 INJUNCTION BANNING THE USE OF AN RPR BY A LAW ENFORCEMENT AGENCY
4 FOUND TO HAVE USED AN RPR IN REPEATED VIOLATION OF THIS SECTION AND
5 REQUIRING THE CONFISCATION OF AN RPR IF NECESSARY TO PREVENT
6 ONGOING VIOLATIONS OR DETER FUTURE VIOLATIONS OF THIS SECTION.