

115TH CONGRESS
1ST SESSION

H. R. 4303

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to prohibit funding under the Edward Byrne Memorial Justice Assistance grant program and the Public Safety and Community Policing grant program to be provided to law enforcement agencies that use license plate readers unless certain conditions are met.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2017

Mr. CAPUANO introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to prohibit funding under the Edward Byrne Memorial Justice Assistance grant program and the Public Safety and Community Policing grant program to be provided to law enforcement agencies that use license plate readers unless certain conditions are met.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reasonable Policies
5 on Automated License Plate Readers Act”.

1 **SEC. 2. FUNDING UNDER EDWARD BYRNE MEMORIAL JUS-**
2 **TICE ASSISTANCE GRANT PROGRAM AND**
3 **PUBLIC SAFETY AND COMMUNITY POLICING**
4 **GRANT PROGRAM PROHIBITED FOR USE BY**
5 **LAW ENFORCEMENT AGENCIES THAT USE LI-**
6 **CENSE PLATE READERS UNLESS CERTAIN**
7 **CONDITIONS MET.**

8 (a) RESTRICTION UNDER EDWARD BYRNE MEMO-
9 RIAL JUSTICE ASSISTANCE GRANT PROGRAM.—Section
10 501(d) of the Omnibus Crime Control and Safe Streets
11 Act of 1968 (42 U.S.C. 3751(d)) is amended by adding
12 at the end the following new paragraph:

13 “(3) Any funds or other assistance to a law en-
14 forcement agency that uses an automated license
15 plate reader, unless such law enforcement agency
16 has developed written and binding policies for the
17 use of the reader that ensure data collected by the
18 reader—

19 “(A) is not stored for a period exceeding
20 48 hours unless the data is being used in an ac-
21 tive law enforcement investigation;

22 “(B) is not stored in a statewide database
23 or other database that consolidates data from
24 such readers; and

1 “(C) is shared with an entity other than
2 the law enforcement agency that operates the
3 reader only if—

4 “(i) the entity is another law enforce-
5 ment agency;

6 “(ii) the data is to be used in an ac-
7 tive law enforcement investigation; and

8 “(iii) the data is provided in response
9 to a specific request for the data.”.

10 (b) RESTRICTION UNDER PUBLIC SAFETY AND COM-
11 MUNITY POLICING GRANT PROGRAM.—Section 1701 of
12 the Omnibus Crime Control and Safe Streets Act of 1968
13 (42 U.S.C. 3796dd) is amended—

14 (1) in subsection (b), by striking “The pur-
15 poses” and inserting “Subject to subsection (l), the
16 purposes”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(l) PROHIBITED USE.—Notwithstanding any other
20 provision of this Act, no funds provided under this part
21 may be provided to or used, directly or indirectly, by a
22 law enforcement agency that uses an automated license
23 plate reader, unless such law enforcement agency has de-
24 veloped written and binding policies for the use of the
25 reader that ensure data collected by the reader—

1 “(1) is not stored for a period exceeding 48
2 hours unless the data is being used in an active law
3 enforcement investigation;

4 “(2) is not stored in a statewide database or
5 other database that consolidates data from such
6 readers; and

7 “(3) is shared with an entity other than the law
8 enforcement agency that operates the reader only
9 if—

10 “(A) the entity is another law enforcement
11 agency;

12 “(B) the data is to be used in an active
13 law enforcement investigation; and

14 “(C) the data is provided in response to a
15 specific request for the data.”.

16 (c) **EFFECTIVE DATE.**—The amendments made by
17 this section shall apply with respect to funds provided for
18 grant periods beginning on or after the date that is 90
19 days after the date of the enactment of this Act.

20 **SEC. 3. FEDERAL LAW ENFORCEMENT AGENCIES.**

21 (a) **IN GENERAL.**—Except as provided in subsection
22 (b), no Federal law enforcement agency may use an auto-
23 mated license plate reader, unless such law enforcement
24 agency has developed written and binding policies for the

1 use of the reader that ensure data collected by the read-
2 er—

3 (1) is not stored for a period exceeding 48
4 hours unless the data is being used in an active law
5 enforcement investigation;

6 (2) is not stored in a statewide database or
7 other database that consolidates data from such
8 readers; and

9 (3) is shared with an entity other than the law
10 enforcement agency that operates the reader only
11 if—

12 (A) the entity is another law enforcement
13 agency;

14 (B) the data is to be used in an active law
15 enforcement investigation; and

16 (C) the data is provided in response to a
17 specific request for the data.

18 (b) EXCEPTION FOR PHYSICAL BORDER CROSS-
19 ING.—Any data collected by the reader at a international
20 border crossing of the United States.

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