

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 385

(SENATE AUTHORS: CHAMPION, Dibble and Rest)

DATE	D-PG	OFFICIAL STATUS
02/11/2013	196	Introduction and first reading Referred to Judiciary
02/13/2013	219	Author added Rest
03/05/2013	552a 568	Comm report: To pass as amended Second reading
05/18/2013	4194	HF substituted on General Orders HF474
02/25/2014	5851	Chief author stricken, shown as co-author Dibble Chief author added Champion

A bill for an act

1.1 relating to data practices; classifying data related to automated license plate
 1.2 readers; requiring a log of use; requiring data to be destroyed in certain
 1.3 circumstances; amending Minnesota Statutes 2012, section 13.82, by adding a
 1.4 subdivision.
 1.5

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 13.82, is amended by adding a subdivision
 1.8 to read:

1.9 Subd. 31. **Automated license plate readers.** (a) Data collected by an automated
 1.10 license plate reader are classified as confidential or protected nonpublic, if the data indicates
 1.11 that the vehicle or its owner or occupants are the subject of an active criminal investigation
 1.12 or other preexisting law enforcement or correctional proceeding, sanction, or supervision.

1.13 (b) Data collected by an automated license plate reader must be destroyed:

1.14 (1) at the time of collection, if the data does not meet the requirements for
 1.15 classification under paragraph (a); or

1.16 (2) at the time the active criminal investigation indicated by the data becomes
 1.17 inactive, if criminal charges are not filed related to the investigation, or at the time
 1.18 the preexisting law enforcement or correctional proceeding, sanction, or supervision
 1.19 is resolved or completed.

1.20 (c) A law enforcement agency that installs or uses an automated license plate reader
 1.21 must maintain a log of its use, including:

1.22 (1) locations at which the reader is installed or used;

1.23 (2) specific times of day that the reader actively collected data; and

1.24 (3) the aggregate number of vehicles or license plates on which data are collected for
 1.25 each period of active use.

2.1 Notwithstanding any other law to the contrary, data contained in a log required
2.2 under this paragraph are public at all times.

2.3 (d) As used in this subdivision, "automated license plate reader" means an electronic
2.4 device mounted on a law enforcement vehicle or positioned in a stationary location that
2.5 is capable of recording data on, or taking a photograph of, a vehicle, its license plate, or
2.6 its occupants without notice to the owner or occupants of the vehicle and comparing the
2.7 collected data and photographs to existing law enforcement databases for investigative
2.8 purposes.

2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.
2.10 Data collected prior to the effective date of this section must be destroyed, if required by
2.11 this section, no later than 15 days after the date this section becomes effective.