

LFC Requester:	Ginger Anderson
-----------------------	------------------------

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment** _____
Correction _____ **Substitute** _____

Date 02.02.2024
Bill No: SB 208

Sponsor: Peter Wirth
Short Title: Automatic License Plate Reader Act

Agency Name and Code DHSEM-795
Number: _____
Person Writing Matthew Stackpole
Phone: 505-699-5807 **Email** Matthew.stackpole@dhsem.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 208 creates the “Automatic License Plate Reader Act,” which allows for the use of automatic license plate readers (high-speed, computer-controlled camera systems that automatically capture images of vehicle license plates which can be mounted on police vehicles, road signs, or traffic lights and are used to collect license plate numbers along with the date, time, and location of each sighting) by state or local law enforcement for investigative purposes, including comparing license plate data with various state and national crime and vehicle databases.

SB 208 requires that license plate data shall be manually entered into the automatic license plate reader system and compared with data from state and federal law enforcement databases when an officer determines that a vehicle is, “(1) unregistered, uninsured or stolen; (2) registered to a person who has a New Mexico outstanding felony warrant, is associated with a missing person or is committing a felony; (3) a commercial vehicle that is unsafe, carrying contraband or not registered with the federal or state department of transportation; or (4) parked illegally in an area that is not open to the public and secured by clear boundaries.”

SB 208 sets some limits on the retention of this data, requiring deletion after seven days unless connected to an investigation, and outlines some measures to protect the security and confidentiality of collected data. Additionally, it prohibits the targeting of individuals or groups based on specific characteristics and requires annual reporting on the usage of license plate readers.

FISCAL IMPLICATIONS

The Department of Homeland Security and Emergency Management (DHSEM) does not know what the fiscal implications of enacting SB 208 would be.

SIGNIFICANT ISSUES

DHSEM agrees with the Department of Public Safety’s (DPS) recommendation that the originally proposed retention schedule of 7 days is unworkable. The retention schedule for missing persons and criminal investigations will be maintained until the conclusion of the investigation and the case has been adjudicated through all courts. DHSEM agrees with DPS and recommends that license plate data be stored for a minimum of 90 days. Retained LPR

information does not include specific identification of individuals or personally identifiable information.

Retaining LPR data for extended periods enhances its potential evidentiary value in serious criminal investigations, including human trafficking, child abductions, homicides, stolen vehicles, and other violent crimes. Having this data available when a serious crime occurs will substantially enhance the investigative capacity of law enforcement and greatly contribute to public safety and preservation of life. LPRs also assist in protecting critical infrastructure and providing situational awareness for law enforcement related to public safety.

PERFORMANCE IMPLICATIONS

DHSEM is unaware of the performance implications of enacting SB 208.

ADMINISTRATIVE IMPLICATIONS

DHSEM is unaware of the administrative implications of enacting SB 208.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

No technical issues of note.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB 208 is not enacted, DHSEM assumes that the status quo will continue, and automatic license plate reader systems will not be able to be utilized by state and local law enforcement to compare with data from state and federal law enforcement databases. We strongly encourage lawmakers to reach out to the Department of Public Safety for input.

AMENDMENTS