

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 52-30.2 of the Code of Virginia and to amend the Code of Virginia by
2 adding in Title 2.2 a chapter numbered 55.6, consisting of a section numbered 2.2-5517, relating
3 to use of automatic license plate recognition systems; reports; penalty.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That § 52-30.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is**
6 **amended by adding in Title 2.2 a chapter numbered 55.6, consisting of a section numbered 2.2-5517,**
7 **as follows:**

8 CHAPTER 55.6.

9 USE OF AUTOMATIC LICENSE PLATE RECOGNITION SYSTEMS.

10 § 2.2-5517. Use of automatic license plate recognition systems by law-enforcement agencies.

11 A. For purposes of this section:

12 "Audit trail" means all records of queries and responses in an automatic license plate recognition
13 system, and all records of actions in which system data is accessed, entered, updated, shared, or
14 disseminated, including the (i) date and time of access; (ii) license plate number or other data elements
15 used to query the system; (iii) specific purpose, as set forth in subsection D, for accessing or querying the
16 system, including the offense type for any active criminal investigation; (iv) associated call for service or
17 case number; and (v) username of the person or persons who accessed or queried the system.

18 "Automatic license plate recognition system" or "system" means a system of one or more high-
19 speed cameras used in combination with computer algorithms to convert images of license plates, vehicles,
20 or a combination of both into computer-readable data.

21 "Bulk download" means the downloading of any automatic license plate recognition system data
22 for any purpose other than explicitly authorized by subsection D.

23 "Division" means the Division of Purchases and Supply of the Department of General Services.

24 "Law-enforcement agency" means any agency or entity that employs law-enforcement officers as
25 defined in § 9.1-101.

26 "Missing or endangered person" means a person who has been identified as missing or endangered
27 based on information provided by the National Criminal Information Center, the National Center for
28 Missing and Exploited Children, or the Missing Children Information Clearinghouse (§ 52-31 et seq.) or
29 pursuant to a Virginia Amber Alert (§ 52-34.1 et seq.), a Virginia Critical Operation for a Disappeared
30 Child Initiative Alert (§ 52-34.3:1 et seq.), a Virginia Senior Alert (§ 52-34.4 et seq.), a Virginia Blue
31 Alert (§ 52-34.7 et seq.), a Virginia Critically Missing Adult Alert (§ 52-34.10 et seq.), a Virginia Missing
32 Person with Autism Alert (§ 52-34.13 et seq.), or any substantially similar alert under the laws of another
33 state or territory of the United States, the District of Columbia, or the United States.

34 "Notification" means an alert from an automatic license plate recognition system that a license
35 plate or vehicle matches a license plate or vehicle in a database utilized by the automatic license plate
36 recognition system for comparison purposes.

37 "Person associated with human trafficking" means a person who is either a suspected victim or an
38 alleged perpetrator of either commercial sex trafficking or labor trafficking.

39 "Publicly post" means to post on a website that is maintained by the agency or on any other website
40 on which the agency generally posts information and that is available to the public or that clearly describes
41 how the public may access such information.

42 "Query" means a search of automatic license plate recognition system data based on information
43 entered by the user, including a full or partial license plate number, vehicle, identifying characteristics of
44 a vehicle, the date, time, or location of an image, or any other data that is searchable within the automatic
45 license plate recognition system.

46 "System data" means all forms of data collected by an automatic license plate recognition system,
47 including images of license plates, vehicles, identifying characteristics of vehicles, the date, time, and
48 location of an image, any peripheral images collected from which analytical data may be extracted, and
49 any data related to an audit trail.

50 "Vendor" means a business, company, corporation, or other nongovernmental entity that contracts
51 with a law-enforcement agency for the installation, use, or maintenance of an automatic license plate
52 recognition system.

53 B. Pursuant to § 2.2-1112, the Division of Purchases and Supply shall determine the automatic
54 license plate recognition systems for use in the Commonwealth in accordance with this section. An
55 automatic license plate recognition system shall not be approved by the Division for use by a law-
56 enforcement agency unless:

57 1. The vendor certifies that it will not sell or share any system data gathered in the Commonwealth,
58 except upon request of the contracting law-enforcement agency for a purpose set forth in subsection F,
59 and will only access system data upon request of the contracting law-enforcement agency for maintenance
60 and quality assurance purposes;

61 2. The vendor certifies that its system is capable of purging system data gathered in the
62 Commonwealth after 30 days of its capture, or earlier if requested by the contracting law-enforcement
63 agency, in such a manner that the system data is destroyed and not recoverable by either the vendor or the
64 contracting law-enforcement agency;

65 3. The vendor certifies that its system is capable of producing an audit trail and purging system
66 data related to such audit trail after two years of its capture in such a manner that such system data is
67 destroyed and not recoverable by either the vendor or the contracting law-enforcement agency;

68 4. The databases used by the system to provide notifications as set forth in subsection D are updated
69 at least every 24 hours, or as soon as practicable after such updates become available; and

70 5. The system meets information security standards as established by the Virginia Information
71 Technologies Agency.

72 C. A law-enforcement agency may enter into a contract with a vendor for the installation, use, or
73 maintenance of a system approved by the Division. The contract shall specify that system data will be the
74 property of the law-enforcement agency and that the system meets the requirements set forth in subsection
75 B.

76 D. A law-enforcement agency may use a system only (i) as part of an active criminal investigation;
77 (ii) as part of an active investigation related to a missing or endangered person, including whether to issue
78 an alert for such person, or a person associated with human trafficking; or (iii) to receive notifications
79 related to a missing or endangered person, a person with an outstanding warrant, a person associated with

80 human trafficking, a stolen vehicle, or a stolen license plate. Any query of system data shall be based on
81 a reasonable suspicion that such data is related to at least one of these purposes. A law-enforcement agency
82 shall not conduct bulk downloads of system data, except for purposes of generating audit reports. A stop
83 of a motor vehicle based on a notification from the system shall be consistent with subsection M.

84 E. System data shall be purged after 30 days of the date of its capture in such a manner that such
85 data is destroyed and not recoverable by either the law-enforcement agency or the vendor. However, if
86 the system data is part of an ongoing investigation, prosecution, or civil action, such data shall be retained
87 by the law-enforcement agency until (i) the investigation concludes without any criminal charges or (ii)
88 the final disposition of any criminal or civil matter related to the data, including all appeals and any other
89 post-conviction proceedings, in accordance with applicable records retention law and policy. Additionally,
90 system data related to an audit trail shall be maintained for two years after the date of its capture and then
91 purged in such a manner that such data is destroyed and not recoverable by either the law-enforcement
92 agency or the vendor.

93 F. System data shall not be subject to disclosure under the Virginia Freedom of Information Act
94 (§ 2.2-3700 et seq.). A law-enforcement agency shall not sell any system data. A law-enforcement agency
95 may share system data for the following purposes:

96 1. With another law-enforcement agency for purposes set forth in subsection D, which may include
97 allowing another law-enforcement agency to query system data;

98 2. With the attorney for the Commonwealth for purposes set forth in subsection D or for complying
99 with discovery or a court order in a criminal proceeding;

100 3. With a defendant or his counsel for purposes of complying with discovery or a court order in a
101 criminal proceeding;

102 4. Pursuant to a court order or a court-issued subpoena duces tecum in any criminal or civil
103 proceeding;

104 5. With the vendor for maintenance or quality assurance purposes; or

105 6. To alert the public to an emergency situation, a missing or endangered person, a person
106 associated with human trafficking, or a person with an outstanding warrant.

107 In addition, the Department of State Police shall share system data obtained from any system
108 installed, maintained, and operated on any limited access highway or any bridge, tunnel, or special
109 structure under the jurisdiction of the Commonwealth Transportation Board or the Department of
110 Transportation with any law-enforcement agency in the locality where such system is installed,
111 maintained, or operated, and such law-enforcement may share such system data for the purposes set forth
112 in this subsection.

113 G. A law-enforcement agency that uses a system shall maintain records sufficient to facilitate
114 public reporting as required by this section, the production of an audit trail, and discovery in criminal and
115 civil proceedings, appeals, and post-conviction proceedings.

116 H. A law-enforcement agency that uses a system shall establish a policy governing such use that
117 is consistent with this section that includes:

118 1. Training requirements for individuals who will use or access the system;

119 2. The purposes for which the system can be used or accessed;

120 3. Procedures to ensure that the databases used by the system to provide notifications as set forth
121 in subsection D are updated at least every 24 hours, or as soon as practicable after such updates become
122 available;

123 4. Procedures to confirm the accuracy of any notifications made by the system before stopping a
124 vehicle that are consistent with subsection M;

125 5. A prohibition against bulk downloads of system data, except for purposes of generating audit
126 reports;

127 6. An internal auditing procedure that occurs at least once every 30 days;

128 7. Procedures for the retention and destruction of system data that are consistent with subsection
129 E;

130 8. A prohibition on the sale of system data and restrictions on the sharing of system data that are
131 consistent with subsection F; and

132 9. Security procedures to protect the system and system data from unauthorized access,
133 destruction, use, modification, or disclosure.

134 I. A law-enforcement agency that uses a system shall report to the Department of State Police by
135 September 1 of each year, in a format to be determined by the Department of State Police, on its use of
136 the system during the preceding fiscal year, which shall include the following data:

137 1. The total number of vehicles for which data was collected;

138 2. A list of all state and federal databases with which the system data was compared, unless the
139 existence of any such database itself is not public;

140 3. The total number of times the system was queried, including the purposes of the queries and the
141 types of offenses, if applicable;

142 4. Demographic information of any individuals charged with an offense where the system was
143 queried as part of the investigation;

144 5. The number of notifications made by the system, including the reasons for the notifications;

145 6. The number of motor vehicles stopped based on notifications from the system, including the
146 reasons for the notifications;

147 7. Demographic information of the driver of any motor vehicle stopped based on a notification
148 from the system;

149 8. The number of times where system data was shared with or queried by another law-enforcement
150 agency; and

151 9. The number of instances of unauthorized use of or access to the system, including the nature
152 and circumstances of such instances.

153 J. The Department of State Police shall aggregate the data provided pursuant to subsection I and
154 report it to the Governor, the General Assembly, and the Virginia State Crime Commission by November
155 1 of each year.

156 K. A law-enforcement agency that uses a system shall publicly post the policy set forth in
157 subsection H and the report set forth in subsection I. Data shall not be publicly posted if it contains personal
158 or case identifying information. If any data (i) contains an articulable concern for any person's safety, (ii)
159 is otherwise prohibited from public disclosure by federal or state statute, or (iii) may compromise sensitive
160 criminal justice information if disclosed, such data may be excluded from being publicly posted.

161 L. A law-enforcement agency shall not use a system for the purpose of interfering with individuals
162 engaged in lawful activities or tracking individuals on the basis of the content of lawfully protected speech.

163 M. A notification by a system for purposes set forth in subsection D does not, by itself, constitute
164 reasonable suspicion as grounds for law enforcement to stop a vehicle. Prior to stopping a vehicle based
165 on a notification, a law-enforcement officer shall:

166 1. Develop independent reasonable suspicion for the stop; or

167 2. Confirm that the license plate or identifying characteristics of a vehicle match the information
168 contained in the database used to generate the notification.

169 N. Any person who willfully and intentionally accesses or uses a system for a purpose other than
170 set forth in subsection D, or who willfully and intentionally sells or shares system data in violation of
171 subsection F, is guilty of a Class 1 misdemeanor.

172 O. Any evidence obtained in violation of subsection D, F, L, or M is not admissible by the
173 Commonwealth in any criminal or civil proceeding, but such evidence may be admitted by a defendant in
174 a criminal proceeding or a litigant, other than the Commonwealth, in a civil proceeding.

175 P. This section does not apply to systems used:

176 1. For the enforcement of traffic laws, which includes parking regulations, speed limits, tolling
177 requirements, high-occupancy vehicle requirements, or on-road emissions monitoring;

178 2. By the Department of Motor Vehicles at permanent weighing stations and in mobile weighing
179 operations; or

180 3. By any state or local agency or any private entity for non-criminal justice purposes.

181 Q. A law-enforcement agency shall obtain a permit from the Department of Transportation in
182 accordance with regulations of the Commonwealth Transportation Board before installing a system on a
183 state right-of-way. The Department of State Police shall have sole and exclusive authority to install,
184 maintain, and operate devices for law-enforcement purposes in the right-of-way of any limited access
185 highway or any bridge, tunnel, or special structure under the jurisdiction of the [Commonwealth](#)
186 [Transportation](#) Board or the Department of Transportation in accordance with the provisions of this
187 section and upon compliance with the regulations of the [Commonwealth Transportation Board](#) governing

188 activities in the right-of-way as authorized by § 33.2-210. A vendor may submit a permit application on
189 behalf of the law-enforcement agency if the vendor has obtained a letter of authorization signed by the
190 law-enforcement agency. The provisions of this subsection shall not prevent or limit the use of any system
191 that is authorized by any other provision of law.

192 **§ 52-30.2. Prohibited practices; collection of data.**

193 A. No State Police officer shall engage in bias-based profiling in the performance of his official
194 duties.

195 B. State Police officers shall collect data pertaining to (i) all investigatory motor vehicle stops, (ii)
196 all stop-and-frisks of a person based on reasonable suspicion, and (iii) all other investigatory detentions
197 that do not result in an arrest or the issuance of a summons to be reported into the Community Policing
198 Reporting Database. State Police officers shall submit the data to their commanding officers, who shall
199 forward it to the Superintendent of State Police.

200 C. Each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle,
201 stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any other
202 investigatory stop, such officer shall collect the following data based on the officer's observation or
203 information provided to the officer by the driver: (i) the race, ethnicity, age, gender of the person stopped,
204 and whether the person stopped spoke English; (ii) whether the stop was based
205 on a notification from an automatic license plate recognition system, as defined in § 2.2-5517; (iv) the
206 location of the stop; ~~(iv)~~ (v) whether a warning, written citation, or summons was issued or whether any
207 person was arrested; ~~(v)~~ (vi) if a warning, written citation, or summons was issued or an arrest was made,
208 the warning provided, violation charged, or crime charged; ~~(vi)~~ (vii) whether the vehicle or any person
209 was searched; and ~~(vii)~~ (viii) whether the law-enforcement officer or State Police officer used physical
210 force against any person and whether any person used physical force against any officers.

211 D. Each state and local law-enforcement agency shall collect the number of complaints the agency
212 receives alleging the use of excessive force.

213 **2. That the provisions of subsection C of § 2.2-5517 of the Code of Virginia, as created by this act,**
214 **of the first enactment of this act shall become effective on July 1, 2026. Any law-enforcement agency**

215 may enter into or continue an existing contract with a vendor for the installation, use, or
216 maintenance of an automatic license plate recognition system prior to July 1, 2026; however, after
217 such date the terms of such contract must comply with the provisions of subsection C of § 2.2-5517
218 of the Code of Virginia, as created by this act.

219 3. That the Division of Purchases and Supply of the Department of General Services, in consultation
220 with the Virginia Information Technologies Agency, shall determine the automatic license plate
221 recognition systems for use in the Commonwealth as set forth in subsection B of § 2.2-5517 of the
222 Code of Virginia, as created by this act, and shall publicly post a list of such systems on its website
223 by January 1, 2026.

224 4. That the provisions of this act shall apply to the use of automatic license plate recognition systems
225 on or after July 1, 2025, and are not retroactive.

226 5. That the Department of State Police shall develop a model policy for the use of automatic license
227 plate recognition systems by law-enforcement agencies that is consistent with the provisions of this
228 act and shall publicly post such model policy by July 1, 2025.

229 6. That the first report from law-enforcement agencies as required by subsection I of § 2.2-5517 of
230 the Code of Virginia, as created by this act, shall be due by September 1, 2026.

231 7. That the first report from the Department of State Police as required by subsection J of § 2.2-
232 5517 of the Code of Virginia, as created by this act, shall be due by November 1, 2026.

233 8. That the Commonwealth Transportation Board's initial adoption of regulations pursuant to this
234 act shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the
235 Code Virginia).

236 9. That any automatic license plate recognition systems in a Commonwealth Transportation Board
237 controlled right-of-way that were installed prior to the effective date of this act shall be subject to
238 then-existing regulations of the Commonwealth Transportation Board issued pursuant to § 33.2-
239 210 of the Code of Virginia and shall, in order to remain in the right-of-way, obtain land use permits
240 from the Virginia Department of Transportation no later than August 1, 2025.

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