



AUTOMATIC LICENSE PLATE RECOGNITION (HB 2724)

Fact Sheet

February 2025

The Crime Commission endorsed legislation to regulate law enforcement use of ALPR across Virginia and allow VDOT to permit ALPR devices in the right-of-ways (**House Bill 2724**).

Numerous law enforcement agencies across Virginia are using ALPR. If HB 2724 is not enacted, law enforcement will continue to use ALPR without any statewide regulation or oversight.

If HB 2724 is enacted, Virginia will have one of the most comprehensive ALPR laws in the nation.

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Automatic License Plate Recognition (ALPR) in Virginia:

- ALPR does not surveil individuals; it captures images of license plates and vehicles. A separate database must be accessed to determine vehicle registration and ownership information.
- Virginia currently has no statewide laws or regulations governing law enforcement use of ALPR; therefore, law enforcement can collect and search ALPR data for any purpose, keep data for an indefinite time period, and share data without any restrictions.
- While VDOT will not permit ALPR to be placed within state highway right-of-ways, ALPR devices can still be placed on private land outside of the right-of-way or mounted on vehicles driving along these highways.
- At least four circuit courts and one federal district court in Virginia have denied motions to suppress warrantless searches of ALPR data, while one circuit court has granted such a motion. No appellate court in Virginia has ruled on whether a search warrant is required for ALPR data.

HB 2724 regulates law enforcement use of ALPR and protects individual privacy and civil liberties:

- Limits law enforcement use of ALPR to criminal investigations and matters involving missing persons, wanted persons, human trafficking, and stolen vehicles and license plates.
- Limits data retention to 30-days, which is one of the shortest in the country.
- Does not allow law enforcement to use ALPR for immigration status or reproductive health care, unless it is related to a criminal investigation.
- Prohibits law enforcement from using ALPR to interfere with individuals engaged in lawful activities or on the basis of protected speech.
- ALPR data can only be shared between Virginia law enforcement agencies, and can only be provided to other states or federal law enforcement pursuant to a search warrant or court subpoena.
- Requires an audit trail for ALPR searches, including the reason for the query, call for service or case number, and person conducting the search. Law enforcement must have a policy to conduct audits at least every 30 days.
- Punishes ALPR misuse by law enforcement as a Class 1 misdemeanor and bars the Commonwealth from admitting evidence in criminal or civil proceedings if it was obtained through unauthorized ALPR use or access.
- Allows VDOT to issue permits to install ALPR devices on state highway right-of-ways to ensure that the locations of such devices are known.
- Mandates ALPR policies, extensive data collection, and public reporting.