



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3320

Introduced 2/7/2024, by Sen. Laura M. Murphy

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-130

Amends the Illinois Vehicle Code. Provides that automated license plate reader" or "ALPR" means a camera or system of cameras using computer algorithms to convert images of license plates into automated computer-recognized searchable alphanumeric data (rather than an electronic device), that is mounted on a law enforcement vehicle or positioned in a stationary location and that is capable of recording data on or taking a photograph of a vehicle or its license plate and comparing the collected data and photographs to existing law enforcement databases for investigative purposes. Permits a State law enforcement agency to retain ALPR system detections for 5 years after the date of the creation of the record. Provides the detection shall be archived 90 days after the creation of the record unless the information is relevant to an ongoing investigation or pending criminal trial and shall be accessed only for use in a felony criminal investigation or an investigation into police misconduct. Provides that any records of detections that are older than 90 days shall be accessed only with the written approval of the law enforcement agency head or his or her designee. Prohibits all records of detections archived after 90 days from being searchable by out-of-state agencies. Requires all records of detections must be destroyed 5 years after the record was created unless the information is relevant to an ongoing investigation or pending criminal trial. Provides that the Illinois State Police shall retain ALPR detections for a period of time that is consistent with the provisions of the Expressway Camera Act and the State Records Act. Contains a severability clause.

LRB103 37907 MXP 68039 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 2-130 as follows:

6 (625 ILCS 5/2-130)

7 Sec. 2-130. User of automated license plate readers;  
8 prohibitions.

9 (a) As used in this Section:

10 "Automated license plate reader" or "ALPR" means a camera  
11 or system of cameras using computer algorithms to convert  
12 images of license plates into automated computer-recognized  
13 searchable alphanumeric data, ~~an electronic device~~ that is  
14 mounted on a law enforcement vehicle or positioned in a  
15 stationary location and that is capable of recording data on  
16 or taking a photograph of a vehicle or its license plate and  
17 comparing the collected data and photographs to existing law  
18 enforcement databases for investigative purposes. "ALPR"  
19 includes a device that is owned or operated by a person or an  
20 entity other than a law enforcement agency to the extent that  
21 data collected by the reader is shared with a law enforcement  
22 agency.

23 "ALPR information" means information gathered by an ALPR

1 or created from the analysis of data generated by an ALPR.

2 "ALPR systems" means multi-agency or vendor agreements  
3 that allow the sharing of ALPR information collected in  
4 Illinois.

5 "ALPR user" means a person or entity that owns or operates  
6 an ALPR device.

7 "Law enforcement agency" means a State or local agency,  
8 unit of local government, or private entity charged with the  
9 enforcement of State, county, or municipal laws or with  
10 managing custody of detained persons in any state or  
11 jurisdiction.

12 (b) An ALPR user shall not sell, share, allow access to, or  
13 transfer ALPR information to any state or local jurisdiction  
14 for the purpose of investigating or enforcing a law that:

15 (1) denies or interferes with a person's right to  
16 choose or obtain reproductive health care services or any  
17 lawful health care services as defined by the Lawful  
18 Health Care Activity Act; or

19 (2) permits the detention or investigation of a person  
20 based on the person's immigration status.

21 (c) Any ALPR user in this State, including any law  
22 enforcement agency of this State that uses ALPR systems, shall  
23 not share ALPR information with an out-of-state law  
24 enforcement agency without first obtaining a written  
25 declaration from the out-of-state law enforcement agency that  
26 it expressly affirms that ALPR information obtained shall not

1 be used in a manner that violates subsection (b). If a written  
2 declaration of affirmation is not executed, the law  
3 enforcement agency shall not share the ALPR information with  
4 the out-of-state law enforcement agency.

5 (d) ALPR information shall be held confidentially to the  
6 fullest extent permitted by law.

7 (e) Nothing in this Act shall define or limit any rights  
8 under the Reproductive Health Act.

9 (f) A law enforcement agency may retain ALPR system  
10 detections for 5 years after the date of the creation of the  
11 record. The detection shall be archived 90 days after the  
12 creation of the record unless the information is relevant to  
13 an ongoing investigation or pending criminal trial and shall  
14 be accessed only for use in a felony criminal investigation or  
15 an investigation into police misconduct. Any records of  
16 detections that are older than 90 days shall be accessed only  
17 with the written approval of the law enforcement agency head  
18 or his or her designee. All records of detections archived  
19 after 90 days shall not be searchable by out-of-state  
20 agencies. All records of detections must be destroyed 5 years  
21 after the record was created unless the information is  
22 relevant to an ongoing investigation or pending criminal  
23 trial. The Illinois State Police shall retain ALPR detections  
24 for a period of time that is consistent with the provisions of  
25 the Expressway Camera Act and the State Records Act.

26 (Source: P.A. 103-540, eff. 1-1-24.)

1           Section 97. Severability. The provisions of this Act are  
2           severable under Section 1.31 of the Statute on Statutes.