

Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

## Proposed Rulemaking

Title 12. Law Enforcement, Emergency Management, and Military Affairs  
Chapter XXII. Arkansas Department of Transportation, State Highway  
Commission  
Subchapter A. Generally  
Part 150. License Plate Reader Rules  
Subpart 1. Generally  
Title

Promulgated by: Arkansas Highway Commission

12 CAR § 150-101. Title.

This part shall be known as the "License Plate Reader Rules".

12 CAR § 150-102. Definitions.

As used in this part:

(1) "ACIC" means Arkansas Crime Information Center;

(2) "Alert" means a visual, auditory, or both notice that is triggered when the LPR system receives a potential hit on a license plate;

(3) "Hit" means a read matched to a license plate that has previously been:

(A) Registered on an agency's hot list of vehicle plates related to stolen vehicles, wanted vehicles, or other factors supporting investigation; or

(B) Manually entered by a user for further investigation;

(4)(A) "Hot list" means license plate numbers of stolen cars, vehicles owned by persons of interest, and vehicles associated with AMBER Alerts, Silver Alerts, and similar alerts that are regularly added to hot lists circulated among law enforcement agencies.

(B) Information can come from a variety of sources, including the National Crime Information Center database and the Arkansas Crime Information Center database.

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(C) In addition to lists provided by other sources, users may enter license plate numbers into hot lists to be alerted if and when a vehicle license plate of interest is read by the LPR system;

(5)(A) "Legitimate law enforcement purpose" means accessing, imputing, reviewing, or receiving data from the LPR system in the performance of law enforcement duties and in compliance with Arkansas Code §§ 12-12-1803 and 12-12-1804.

(B) Duties include, but are not limited to:

- (i) Locating wanted persons;
- (ii) Locating missing persons;
- (iii) AMBER Alerts;
- (iv) Silver Alerts;
- (v) Stolen vehicles;
- (vi) Crime vehicles;
- (vii) Narcotic investigations;
- (viii) Criminal investigations; and
- (ix) Similar circumstances.

(C) "Legitimate law enforcement purpose" does not include:

- (i) Enhancing or assisting a member's position in a legal proceeding in this state or influencing the outcome of a legal proceeding in this state for the benefit of the member or a member's family;
- (ii) Causing a pecuniary or professional gain for the member or a member's family; or
- (iii) Any political purpose;

(6)(A) "License plate reader (LPR)" means a system of one (1) or more mobile or fixed automated high-speed cameras used to convert images of license plates into computer-readable data.

(B) "Fixed LPR system" means LPR cameras that are permanently affixed to a structure such as a:

- (i) Pole;

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\_\_\_\_\_ (ii) Traffic barrier;

\_\_\_\_\_ (iii) Building; or

\_\_\_\_\_ (iv) Bridge.

\_\_\_\_\_ (C) "Mobile LPR system" means LPR cameras that are affixed, either permanently or temporarily, to a law enforcement vehicle for mobile deployment.

\_\_\_\_\_ (D) "Portable LPR system" means LPR cameras that are transportable and can be moved and deployed in a variety of venues as needed;

\_\_\_\_\_ (7) "LPR data query logs" means a record of a search or query of LPR data from the server;

\_\_\_\_\_ (8) "Member" means a sworn law enforcement officer of the Arkansas Highway Police;

\_\_\_\_\_ (9) "NCIC" means National Crime Information Center, which allows access to criminal history and other law enforcement information through the Federal Bureau of Investigation; and

\_\_\_\_\_ (10) "Read" means digital images of license plates and the associated vehicles, and metadata (for example the date, time, and geographic coordinates associated with the vehicle image capture) that are captured by the LPR system.

\_\_\_\_\_ 12 CAR § 150-103. Procedures.

\_\_\_\_\_ (a) The use of LPR systems is restricted to legitimate law enforcement purposes.

\_\_\_\_\_ (b) Anyone with access who misuses the LPR systems that result in Arkansas Crime Information Center data being released or disclosed to an unauthorized person is punishable under Arkansas Code § 12-12-212 as a Class A misdemeanor or Class D felony.

\_\_\_\_\_ (c) Anyone with access who misuses LPR systems as defined in Arkansas Code § 12-12-1803 is subject to penalties outlined in Arkansas Code § 12-12-1807.

\_\_\_\_\_ (d) Arkansas Highway Police LPR systems, associated equipment, databases, and data are the property of the Arkansas Highway Police and for use in conducting official business for official law enforcement purposes.

\_\_\_\_\_ (e) The Arkansas Highway Police special operation commanders shall:

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- \_\_\_\_\_ (1) Serve as the Arkansas Highway Police LPR administrators; and
- \_\_\_\_\_ (2) Establish and maintain protocols to document LPR usage and results, including appropriate documentation of all incidents, arrests, and property recoveries related to LPR usage in accordance with Arkansas Code § 12-12-1805.
- \_\_\_\_\_ (f)(1) The Arkansas Highway Police shall compile the statistical data in accordance with Arkansas Code § 12-12-1805 to allow the general public to review the compiled data.
- \_\_\_\_\_ (2) The compiled data shall be retained for eighteen (18) months.

**12 CAR § 150-104. Arkansas Highway Police LPR data usage and retention.**

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\_\_\_\_\_ (a) **LPR alerts or hits.** Prior to the initiation of a traffic stop based on an LPR alert, the officer must:

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\_\_\_\_\_ (1) Visually verify that the vehicle plate number matches the plate number run by the LPR system, including both alphanumeric characters of the license plate and the state of issuance;

\_\_\_\_\_ (2) Verify the status of the plate through the communications center or Arkansas Crime Information Center or National Crime Information Center query; and

\_\_\_\_\_ (3) Make reasonable efforts to verify that the driver, occupants, or both physically match the description of any wanted person or persons.

\_\_\_\_\_ (b) LPR operation and access to LPR-collected data shall be for law enforcement purposes only and can be shared with other law enforcement agencies only as outlined in this part and Arkansas Code § 12-12-1803.

\_\_\_\_\_ (c) When Arkansas Highway Police data is disseminated to another law enforcement agency, it shall be documented on a dissemination log that is maintained by the LPR administrator.

\_\_\_\_\_ (d) All Arkansas Highway Police LPR system data will be stored on the designated LPR system server for a period not to exceed one hundred fifty (150) days.

\_\_\_\_\_ (e)(1) If the LPR administrator, or designee, determines that data should be retained based upon the criteria in Arkansas Code § 12-12-1804, the LPR administrator:

\_\_\_\_\_ (A) Shall authorize the transfer of the applicable data from the LPR server to a form of digital storage media including without limitation CD, DVD, or other portable storage device; and

\_\_\_\_\_ (B) Make a notation in the dissemination log of the transfer of the data.

\_\_\_\_\_ (2) Once the data is no longer needed as outlined in Arkansas Code § 12-12-1804:

\_\_\_\_\_ (A) The data shall be permanently deleted; and

\_\_\_\_\_ (B) A note of the deletion made on the log.