FISCAL IMPACT REPORT

		LAST UPDATED	2/10/2024
SPONSOR	Wirth	ORIGINAL DATE	02/05/2024
		BILL	Senate Bill
SHORT TITLE	Automatic License Plate Reader Act	NUMBER	208/aSHPAC
		ANALYST	Sanchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*
(dollars in thousands)

Agency/Program	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Department of Public Safety	No fiscal impact	$117.6	$108.1	$225.7	Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.
*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Department of Public Safety (DPS)
Department of Homeland Security (DHSEM)

Agency Analysis was Solicited but Not Received From
Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of SHPAC Amendment to Senate Bill 208

The Senate Health and Public Affairs Committee amendment to Senate Bill 208 adds language specifying references to "the state" or "political subdivisions of the state" mean the state of New Mexico. The amendments also include a change to the length of time license plate data in an automatic license plate reader system shall be stored from seven days to 14 days.

Synopsis of Original Senate Bill 208

Senate Bill 208 authorizes the use of high-speed cameras to convert images of license plates into computer-readable data so that law enforcement may be alerted when "license plate data" matches information in a state or national crime investigation database. The cameras would be attached to law enforcement vehicles or mounted on street poles, highway overpasses, or mobile trailers. "License plate data"—which includes the make, model, color, and license plate number, vehicle photo, driver or passengers, global positioning system coordinates, and date and time of

travel—would be manually entered into a database by law enforcement officers. Ostensibly, the data would be held for seven days, however, there are several broad-based exceptions to the seven-day holding period.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, or May 15, 2024, if enacted.

FISCAL IMPLICATIONS

Analysis provided by the Department of Public Safety stated:

> The Department of Public Safety (DPS) received $400 thousand during FY23 for the purpose of starting a statewide License Plate Reader (LPR) program in part of DPS' intelligence lead policing initiative. In addition, in October of 2023, DPS received $539 thousand for operational costs associated with law enforcement operations designed to reduce violent crime in Bernalillo County. These funds are to be spent on LPRs in furtherance of investigations, intelligence gathering, coordination, operational planning, patrol, enforcement or prosecution related to violent crimes in the Bernalillo County Metro area.

> The department would need to fund 1 full time employee, Data Analyst II pay band 75, to compile data and provide annual reports to the Legislature as required in this bill at an initial cost of $117.6 in FY25 and a recurring annual cost of $108.1 in FY26 and future years.

SIGNIFICANT ISSUES

Analysis from the Department of Public Safety identified several issues regarding the use of License Plate Readers (LPRs) by law enforcement:

> **Retention Schedule**: DPS expresses concerns with the proposed seven-day retention schedule for LPR data as unfeasible, advocating instead for a minimum 90-day retention period. It highlights that data related to missing persons and criminal investigations is retained until a case concludes and is adjudicated. This approach supports law enforcement in serious criminal investigations like human trafficking, child abductions, and violent crimes by enhancing investigative capacity and contributing to public safety.

> **Privacy and Identifiability**: LPR data, which includes license plate numbers, is not considered personally identifiable information on its own. The International Association of Chiefs of Police notes that while a license plate can be linked to an individual, such linkage requires additional steps using other databases. This perspective is reinforced by court rulings indicating that individuals do not have a reasonable expectation of privacy in their license plate numbers, making the use of LPRs less intrusive.

> **Operational Use of LPR Data**: DPS uses a streamlined process for updating and utilizing LPR data, downloading "hotlists" from the FBI and pushing them to vendors compliant with Criminal Justice Information Services (CJIS) standards. This method enhances the efficiency of identifying vehicles involved in crimes or other activities of interest without the need for manual data entry.

> **Challenges with Exculpatory Data**: DPS acknowledges the difficulty in collecting exculpatory evidence via LPRs since the system captures only license plate images. This

limitation means that LPR hits must be independently verified through additional steps, underscoring the tool's role in preliminary investigations rather than as a sole basis for legal actions.

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