

By: Representative Massengill

To: Judiciary B

HOUSE BILL NO. 528

1 AN ACT TO AMEND SECTION 17-25-19, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE USE OF AUTOMATED RECORDING EQUIPMENT OR AUTOMATED
3 LICENSE PLATE RECOGNITION SYSTEMS FOR THE PURPOSE OF ENFORCING
4 COMPLIANCE WITH TRAFFIC SIGNALS, TRAFFIC SPEEDS OR OTHER TRAFFIC
5 LAWS, RULES OR REGULATIONS, INCLUDING MOTOR VEHICLE LIABILITY
6 RESPONSIBILITY, ON THE PUBLIC ROADWAY WITHIN THIS STATE; TO
7 PROVIDE THAT ENFORCEMENT OF TRAFFIC LAWS OF THE STATE SHALL ONLY
8 BE EFFECTUATED BY SWORN LAW ENFORCEMENT OFFICERS ACTING WITHIN THE
9 SCOPE OF HIS OR HER EMPLOYMENT WITH A LOCAL LAW ENFORCEMENT
10 AGENCY; TO REQUIRE LOCAL JURISDICTIONS USING AUTOMATED RECORDING
11 EQUIPMENT OR AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS TO REMOVE
12 THE EQUIPMENT OR SYSTEM BEFORE JULY 1, 2025; TO PROVIDE FOR AN
13 EXCEPTION TO THE USE OF AUTOMATED LICENSE PLATE RECOGNITION
14 SYSTEMS BY LOCAL LAW ENFORCEMENT AGENCIES, AND THE CONDITIONS AND
15 PURPOSE FOR WHICH THEY MAY BE USED; TO PERMIT COUNTY AND MUNICIPAL
16 GOVERNING AUTHORITIES TO ADOPT, ENACT OR ENFORCE ANY ORDINANCE
17 AUTHORIZING THE USE OF MOBILE AUTOMATED LICENSE PLATE RECOGNITION
18 SYSTEMS MOUNTED ON A LAW ENFORCEMENT VEHICLE AND WHICH ARE WHOLLY
19 OWNED AND OPERATED BY THE LAW ENFORCEMENT AGENCY FOR OFFICIAL LAW
20 ENFORCEMENT PURPOSES; TO PROVIDE THAT A POSITIVE MATCH BY AN
21 AUTOMATED LICENSE PLATE RECOGNITION SYSTEM ALONE DOES NOT
22 CONSTITUTE REASONABLE SUSPICION, WHICH AMOUNTS TO PROBABLE CAUSE,
23 AS GROUNDS FOR A LAW ENFORCEMENT OFFICER TO STOP A VEHICLE; TO
24 REQUIRE LAW ENFORCEMENT AGENCIES TO UPDATE THE SYSTEM EVERY 24
25 HOURS IF AN UPDATE IS AVAILABLE OR AS SOON AS PRACTICABLE AFTER AN
26 UPDATE BECOMES AVAILABLE; TO DEFINE CERTAIN TERMS FOR PURPOSES OF
27 CLARIFYING ANY AMBIGUITIES IN INTERPRETATION; AND FOR RELATED
28 PURPOSES.

29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

30 **SECTION 1.** Section 17-25-19, Mississippi Code of 1972, is
31 amended as follows:



17-25-19. (1) (a) Except as otherwise provided in
subsection (2), neither the board of supervisors of any county nor
the governing authority of any municipality shall adopt, enact or
enforce any ordinance authorizing the use of automated recording
equipment or system or automated license plate recognition systems
to enforce compliance with traffic signals, traffic speeds or
other traffic laws, rules or regulations, including motor vehicle
liability responsibility, on any public street, road or highway
within this state or to impose or collect any civil or criminal
fine, fee or penalty for any such violation. Enforcement of
compliance with traffic signals, traffic speeds or other traffic
laws, rules or regulations, including motor vehicle liability
responsibility, upon the public roadways of within this state
shall only be effectuated by sworn law enforcement officers acting
within the scope of their employment with local law enforcement
agencies subject to the jurisdiction of local county or municipal
governing authorities.

(b) Any county or municipality using automated
recording equipment or system or automated license plate
recognition systems shall remove the equipment or system
before * * * July 1, 2025.

(2) The board of supervisors of any county or the governing
authority of any municipality may adopt, enact or enforce any
ordinance authorizing the use of mobile automated license plate
recognition systems, which are mounted on a law enforcement



57 vehicle, and which such systems are wholly owned and operated by
58 the law enforcement agency within the jurisdiction authorizing
59 such use, to enforce compliance with traffic signals, traffic
60 speeds or other traffic laws, rules or regulations, including
61 motor vehicle liability responsibility, on any public street, road
62 or highway within this state. Local law enforcement may use
63 automated license plate recognition systems, if the following
64 requirements are met:

65 (a) The local governing authority and local law
66 enforcement agency that uses an automated license plate
67 recognition system shall adopt and publicize a written policy
68 governing its use before the system is operational, which said
69 policy must address the following:

70 (i) Use of any database to compare data obtained
71 by the automated license plate recognition system;

72 (ii) Retention of data associated with the
73 automated license plate recognition system;

74 (iii) Sharing of the data with another law
75 enforcement agency;

76 (iv) Training of law enforcement officers and law
77 enforcement agency operators in the use of automated license plate
78 recognition system and data obtained from its use;

79 (v) Supervisory oversight of automated license
80 plate recognition system use;

81 (vi) Access to and security of data;



82 (vii) Access to data obtained by automated license
83 plate recognition systems not operated by the law enforcement
84 agency; and

85 (viii) Any other subjects related to automated
86 license plate recognition system use by the law enforcement
87 agency;

88 (b) At least once every year, the law enforcement
89 agency shall audit its automated license plate recognition system
90 use and effectiveness and report the findings to the chief law
91 enforcement officer of the law enforcement agency responsible for
92 operating the system;

93 (c) Data obtained by a law enforcement agency in
94 accordance with this subsection must be obtained, accessed,
95 preserved or disclosed only for law enforcement or criminal
96 justice purposes; and

97 (d) A law enforcement agency that uses an automated
98 license plate recognition system shall:

99 (i) Maintain a record of users who access
100 automated license plate recognition system data. The record must
101 be maintained indefinitely; and

102 (ii) Keep system maintenance and calibration
103 schedules and records on file.

104 (3) Operation of an automated license plate recognition
105 system by a law enforcement agency and access to data collected by
106 an automated license plate recognition system operated by a law



enforcement agency must be for official law enforcement purposes only. In addition to the uses specified in subsection (2), automated license plate recognition system may be used by a law enforcement agency only to scan, detect and identify a license plate number for the purpose of identifying a vehicle that is:

- (a) Stolen;
- (b) Associated with a wanted, missing or endangered person;
- (c) Registered to a person against whom there is an outstanding warrant;
- (d) In violation of commercial trucking requirements;
- (e) Involved in case-specific criminal investigative surveillance;
- (f) Involved in a homicide, shooting or other major crime or incident; or
- (g) In the vicinity of a recent crime and may be connected to that crime.

(4) A positive match by an automated license plate recognition system alone does not constitute reasonable suspicion, which amounts to probable cause, as grounds for a law enforcement officer to stop a vehicle. The officer shall:

- (a) Develop independent reasonable suspicion for the stop; or
- (b) Immediately confirm visually that the license plate on a vehicle matches the image of the license plate displayed on



132 the automated license plate recognition system and confirm by
133 other means that the license plate number meets one (1) of the
134 criteria specified in subsection (3).

135 (5) A law enforcement agency that uses an automated license
136 plate recognition system in accordance with this section shall
137 update the system from the databases specified pursuant to
138 subsection (2)(a) every twenty-four (24) hours if an update is
139 available or as soon as practicable after an update becomes
140 available.

141 (* * *6) (a) For the purposes of this section, the term
142 "automated recording equipment or system" means a camera or
143 optical device installed to work in conjunction with a traffic
144 control signal or radar speed detection equipment, or both, and
145 designed to record images that depict the license plate attached
146 to the rear of a motor vehicle that is not operated in compliance
147 with instructions of the traffic control signal or the posted
148 speed limit.

149 (b) For the purposes of this section, the term
150 "automated license plate recognition systems" means a system of
151 one or more mobile or fixed high-speed cameras combined with
152 computer algorithms to record, capture and convert images of
153 license plates, attached to the front and/or rear of a motor
154 vehicle, into computer-readable data for the purpose determining
155 compliance with instructions of the traffic-control signal, posted
156 speed limit or other traffic laws, rules or regulations.



157 (c) For purposes of this section, the term "other
158 traffic laws, rules or regulations" means any required stipulation
159 enacted by law or promulgated in administrative regulation
160 applicable to the legal and safe operation of motor vehicles upon
161 the public streets, roads or highways within this state. The term
162 includes compliance with:

163 (i) Traffic-control devices, traffic-control
164 signal or railroad sign or signal, as defined in Section 63-3-133;

165 (ii) Speed limits;

166 (iii) Posted traffic and warning signage;

167 (iv) Requirements of the "Mississippi Motor
168 Vehicle Safety Responsibility Law," under Chapter 15, Title 63,
169 Mississippi Code of 1972; and

170 (v) Any other provisions of Chapter 3, Title 63,
171 Mississippi pertinent to the "Rules of the Road" and obedience to
172 and effects of traffic laws contained therein, by which failure to
173 adhere constitutes a traffic violation punishable by a civil or
174 criminal fine, fee or penalty, or both civil and criminal fine,
175 fee or penalty.

176 **SECTION 2.** This act shall take effect and be in force from
177 and after July 1, 2025.

