

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION
WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/23/2025 *Check all that apply:*
Bill Number: SB71 Original Correction
Amendment Substitute

Sponsor: <u>Peter Wirth and Christine Chandler</u>	Agency Name and Code <u>790 – Department of Public Safety</u>
Short Title: <u>AUTO LICENSE PLATE READER ACT</u>	Person Writing <u>Clay Goret</u>
	Phone: <u>505-819-</u> Email: <u>Clay.goret@nm.dps.g</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0.0	0.0	Nonrecurring	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0.0	0.0	0.0	Nonrecurring	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$243.8	\$236.8	\$480.6	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act: Almost identical to 2024 SB208

SECTION III: NARRATIVE

BILL SUMMARY

Authorizes the use of high-speed cameras to be used 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.

FISCAL IMPLICATIONS

The Department of Public Safety (DPS) received funding in FY24 and FY25 for the purpose of continuing a statewide License Plate Reader (LPR) program as part of DPS’ intelligence lead policing initiative. These funds are being used in furtherance of investigations, intelligence gathering, coordination, operational planning, patrol, enforcement or prosecution related to violent crimes state both state-wide and in the Bernalillo County Metro area.

To ensure the continued success of the LPR program, the department will require funding for two full-time employees, specifically Data Analyst IIs at pay band 75. These positions are essential for compiling data and providing the annual reports to the legislature as mandated by this bill. The initial personnel costs for FY26 will be \$243.8, followed by recurring costs of \$236.8 in FY27.

SIGNIFICANT ISSUES

Retention Dates are Unfeasible: The proposed retention schedules of one year for license plate data for missing persons and criminal investigations, and fourteen days for license plate data with no alert would create significant challenges for DPS. The retention schedule for missing persons and criminal investigations will be maintained until the conclusion of the investigation and the case has been adjudicated through all courts. DPS recommends that LPR reads with no alerts be stored for longer than fourteen days to benefit criminal investigations and public safety. Retained LPR information does not include specific identification of individuals or personally identifiable information. Potential evidentiary value may affect the length of retention of certain serious criminal investigations such as human trafficking, child abductions, homicide, stolen vehicles, and other violent crimes. Having this data available when a serious crime occurs can substantially enhance the investigative capacity of law enforcement and greatly contribute to public safety and preservation of life. LPRs also assist in protecting critical infrastructure and providing situational awareness for law enforcement related to public safety.

License Plate Data is Typically Not Considered to be Personally Identifiable: The International Association of Chiefs of Police completed a privacy impact assessment of LPR uses and concluded that LPR data is not personally identifiable information. A license plate number identifies a specific vehicle, not a specific person. Although a license plate number may be linked or otherwise associated with an identifiable person, this potential can only be realized through a distinct, separate step (using NCIC or MVD database systems). Absent this extra step, the license plate number and the time and location data attached to it are not personally identifiable. Thus, even though LPR systems automate the collection of license plate numbers, it is the investigative process by law enforcement that identifies individuals.

Minimal Privacy Interest: Information accessed through LPRs contains images of license plates that are available in plain view. The public display of a license plate exists in part so that law enforcement can easily verify that the vehicle complies with state law. Furthermore, New

Mexico and federal courts have found that individuals do not have a reasonable expectation of privacy interest in their license plate number or VIN.

DATA: Data Is Not Entered Manually. Law enforcement agencies throughout the nation are increasing adopting the use of LPR technologies. The use of LPR enhances investigative capabilities, expands collection of relevant data, and expedites the tedious and time-consuming process of manually comparing vehicle license plate with a list of potential interest.

Exculpatory Data is Difficult to Collect: This type of data would be difficult, if not impossible for the law enforcement agency to gather given that an LPR only contains the contextual image of a license plate. This image alone is not probable cause for an arrest. A hit from an LPR must be confirmed by a dispatcher through NCIC. For example, if an out of state fugitive was arrested and returned to the state of original charges, we would not have access to this information via an LPR scan.

PERFORMANCE IMPLICATIONS

None at this time.

ADMINISTRATIVE IMPLICATIONS

None at this time.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None at this time.

TECHNICAL ISSUES

Section 2 Item D reads: "license plate data" means a vehicle's characteristics, including make, model, color and license plate number; a photo of the vehicle, driver or passengers; the global positioning system coordinates; and date and time of travel. This language needs revision to specify the cameras are aimed to photograph the license plate and not the driver or passengers.

OTHER SUBSTANTIVE ISSUES

None at this time.

ALTERNATIVES

None at this time.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None proposed.