Date of Hearing:  August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Buffy Wicks, Chair
SB 274 (Cervantes) – As Amended July 17, 2025

Policy Committee:    Transportation                                        Vote:    12 - 4
                     Privacy and Consumer Protection                                9 - 4

Urgency:  No          State Mandated Local Program:  Yes        Reimbursable:  Yes

**SUMMARY**:

This bill, among other things, generally limits to 60 days the time a public agency may retain automated license plate reader (ALPR) information.

Specifically, this bill:

1) Prohibits a public agency from retaining ALPR information that does not match information on a "hot list" for more than 60 days after the date of collection, and defines a "hot list" as a list or lists of license plates of vehicles of interest against which the ALPR system is comparing the plates of vehicles on the roadways.

2) Requires both an ALPR operator and an ALPR end-user to include among the "reasonable security procedures" required by current law (a) safeguards for managing which employees can see the data from their systems, including requiring supervisory approval, robust authentication protocols for establishing an account to access an ALPR system, and tracking searches of ALPR information made by employees and (b) requiring data security and data privacy training for all employees who access ALPR information.

3) Directs the Department of Justice (DOJ) to conduct annual random audits on a public agency that is an ALPR operator or an ALPR end-user to determine whether the agency has implemented a usage and privacy policy in compliance with state law and with its own privacy policy.

**FISCAL EFFECT**:

1) Ongoing annual costs (General Fund) of an unknown but substantial amount, likely in the high hundreds of thousands of dollars annually, to DOJ to conduct annual random audits of each public agency that is an ALPR operator or end-user. The DOJ did not provide its estimate of costs, but affirmed it interprets the bill as requiring DOJ to conduct an annual in-person audit of each public agency that is an ALPR operator or end-user to determine whether the agency has complied with the requirements of state law and with the agency's own privacy policy.

2) Annual costs (various funds) of an unknown amount, but likely in the hundreds of thousands of dollars at least, to each state agency that operates ALPRs, such as the California Highway Patrol.

3) Potential annual costs (General Fund) of an unknown amount, but likely in the hundreds of thousands of dollars at least, to reimburse local public agency costs to comply with this bill. The state would incur these cost only if a local agency or agencies filed a claim with the Commission on State Mandates and the commission determined the state liable for reimbursement.

**COMMENTS**:

1) **Purpose.** The author describes ALPRs as "a powerful surveillance technology that can invade the privacy of all individuals and violate the rights of entire communities" and notes "known breaches of ALPR data and technology in recent years, indicating potential cybersecurity threats." The author intends this bill to provide "robust safeguards and crucial oversight regarding the use of ALPR throughout our state" so that "the privacy of Californians is respected and preserved, while also maintaining compliance with existing laws that safeguard vulnerable communities."

2) **Background.** An ALPR is an automated system that captures images of a license plates through a fixed or mobile camera. Law enforcement agencies in California use ALRPs to capture license plate numbers and compare them against a database of vehicles of interest, such as stolen vehicles and those suspected of being used in the commission of a crime. Such a database of vehicles is known as a "hot list."

As use of ALRPs in California grew, so did concern about the use and retention of license plate images and the misuse—both real and potential—of those images. In 2013, the American Civil Liberties Union (ACLU) issued a report, "You Are Being Tracked," that warned ALPRs "open the door to abusive tracking, enabling anyone with access to pry into the lives of his boss, his exwife, or his romantic, political, or workplace rivals." The ACLU report also made numerous recommendations regarding ALPR data use, security and retention, including the following recommendation: law enforcement agencies must not store data about innocent people for any lengthy period.

Soon thereafter, the Legislature approved SB 34 (Hill) (Chapter 532, Statutes of 2015), which created numerous requirements regarding the privacy and use of ALPR data, including that a public agency not sell or share ALPR information, except to another public agency and only under certain circumstances, and that an operator of an ALPR system use ALRP information only for authorized purposes.

In 2019, the State Auditor audited four large law enforcement agencies (see "California State Auditor Report 2019-118") and found, among other things:

- The four agencies had accumulated a large number of ALPR data, nearly none of which are related to criminal investigations.

- The four agencies had not implemented all of the requirements of SB 34.

- Poorly developed and incomplete policies contributed to the agencies' failure to implement ALPR programs that reflect the privacy principles in SB 34.

- Three of the reviewed agencies shared their ALPR images widely, yet the State Auditor found no evidence that the agencies had always determined whether an entity

receiving shared images had a right and a need to access the images or even that the receiving entity was a public agency.

The State Auditor made several recommendations to the Legislature:

- Require DOJ to draft and make available on its website a policy template that local law enforcement agencies can use as a model for their ALPR policies.

- Require DOJ to develop and issue guidance to help local law enforcement agencies identify and evaluate the types of data they are currently storing in their ALPR systems.

- Establish a maximum data retention period for ALPR images.

- Specify how frequently ALPR system use must be audited and that the audits must include assessing user searches.

In October 2023, the DOJ issued guidance to state and local law enforcement agencies regarding the governance of ALPRs, asserting that California law prohibits ALPR information from being shared with federal agencies or local agencies outside of the state of California. The bulletin included a template use policy that recommended law enforcement agencies maintain ALPR data for 60 days to six months.

This bill is opposed by a long list of law enforcement agencies and associations, including the California Police Chiefs Association, which argues:

> Law enforcement agencies across the state and nation have used ALPR data to solve crimes and apprehend criminal suspects and continue to do so today. While some cases are solved quickly using this technology, it can also be exceptionally helpful in solving crimes that have occurred deeper in the past. Setting a data retention limit such as 60 days in statute will significantly hinder the use of a valuable law enforcement tool.

Past versions of this bill were supported by California Public Defenders Association and the Electronic Frontiers Foundation, among others. This committee has not received expressions of support for the current version of this bill.

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