SENATE THIRD READING
SB 274 (Cervantes)
As Amended July 17, 2025
Majority vote

SUMMARY

Prohibits a public agency from retaining automated license plate reader (ALPR) information that does not match information on a hot list for more than 60 days after the date of collection.

Major Provisions

1) Defines "hot list" as a list or lists of license plates of vehicles of interest against which the ALPR system is comparing vehicles on the roadways. Authorized hot lists are limited to the National Crime Information Center list, the Stole Vehicle System, the California Department of Justice Lists, official alerts or any new alerts authorized by the Legislature.

2) Provides that a "public agency" does not include a transportation agency subject to privacy protections related to electronic tolls.

3) Requires an ALPR operator to institute 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.

4) Requires ALPR operators to require data security training and data privacy training for all employees that access ALPR information.

5) Requires the Department of Justice to conduct annual random audits on a public agency that is an ALPR operator or ALPR end-user to determine whether they have implemented a usage and privacy policy in compliance with the law.

6) Provides that a law enforcement agency may only use an ALPR for the purposes of locating vehicles or persons when either are reasonable suspected of being involved in the commission of a public offense.

7) Requires public agencies to delete all ALPR data held more than 60 days within 14 days of January 1, 2026 if the data does not match information on an authorized hot list.

COMMENTS

According to the United States Department of Justice, the Police Scientific Development Branch in the United Kingdom (U.K.) invented ALPR technology in 1976. The technology rose to prominence after Provisional Irish Republican Army terrorist bombings in the City of London that resulted in the establishment of a surveillance and security network around the city referred to as the "ring of steel" in 1993.

ALPR systems are capable of capturing information on up to 1,800 plates per minute at speeds of 120-160 miles per hour. According to the Brennan Center for Justice, ALPR systems can be mounted on stationary poles, moving police cruisers, and handheld devices. The devices log

pictures of the vehicles, and their GPS coordinates. This data can be compared against "hot lists" to find vehicles that have been stolen or help find an abducted child.

Law enforcement agencies use of ALPR was prevalent across the United States by the mid-2000s. The 2007 Law Enforcement Management and Administrative Statistics Survey indicated that as of 2007, 48% of law enforcement agencies with more than 1,000 sworn officers were regularly using ALPR readers, with 32% of agencies with greater than 500 officers, but less than 1,000.

California's use of ALPRs and legislative response: ACLU in a 2013 report indicated that law enforcement was collecting and storing ALPR images related to individuals not suspected of a crime, and that this data could be used inappropriately to monitor the movements of individuals such as ex-spouses, neighbors, and other associates. Such information could be used to locate places people regularly visit, to determine their acquaintances, and to blackmail them based on this information.

Out of increasing concern surrounding the privacy of individuals data collected through ALPR systems, SB 34 (Hill), Chapter 532, Statutes of 2015 was enacted. SB 34 imposed a range of privacy protections on ALPR data, including requiring ALPR operators to secure information collected by ALPR systems with reasonable operational, administrative, technical, and physical safeguards to ensure confidentiality and integrity. According to Senator Hill at the time, "California law has not kept up with the rapid adoption of the technology. Except for the California Highway Patrol and transportation agencies, current California law doesn't require any privacy safeguards or establish any protocols for the use of ALPR systems. Not only has the law failed to keep up with the quick adoption of ALPR, but the entities using ALPR have also been slow in crafting their own internal policies. For example, according to the International Association of Chiefs of Police, only 48% of police agencies across the country have developed policies that govern ALPR use and privacy."

In 2019 the State Auditor reviewed four local law enforcement agencies use of ALPR and found that these agencies were accumulating massive amounts of data unrelated to criminal investigations. Also, the Auditor found that none of the agencies they reviewed were complying with the requirements set forth in SB 34, and that the Los Angeles Police Department (LAPD) had no ALPR policy at all. The other three agencies did not completely or clearly specify who has system access, who has system oversight, or how to destroy ALPR data. For example, of the 320 million images LAPD had collected, only 400,000 generated an immediate match against a hot list. In addition, the State auditor conducted a statewide survey of law enforcement agencies and found that 70% operate or plan to operate an ALPR system, and that 84% of those operating a system shared their images. The report indicates that this "raises concerns that these agencies may share the deficiencies [they] identified at the four agencies [they] reviewed."

The State Auditor found that "ALPR systems should be accessible only to employees who need the data, and accounts should be promptly disabled otherwise. However, the agencies often neglected to limit ALPR system access and have allowed accounts that should be disabled to remain active longer than is prudent. To further ensure that individuals with access do not misuse the ALPR systems, the agencies should be auditing the license plate searches that users perform, along with conducting other monitoring activities. Instead, the agencies have conducted little to no auditing and monitoring and thus have no assurance that misuse has not occurred."

The State Auditor recommended that the Department of Justice (DOJ) draft and make available on its website a policy template that local law enforcement agencies can use as a model for their ALPR policies, and that DOJ 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. It also suggests the Legislature set a requirement for when law enforcement agencies should delete ALPR data. The State Auditor recommended that the Legislature should establish a maximum data retention period for ALPR images.

In October of 2023, the DOJ released two information bulletins providing guidance to California state and local law enforcement agencies regarding the governance of ALPRs. According to the guidance, the DOJ believes 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 the data for 60 days to six months. Flock Securities, the ALPR company most prominently used in California, has a 30 day retention policy.

According to the Author
"ALPRs are a form of location surveillance, the data they collect can reveal our travel patterns and daily routines, the places we visit, and the people with whom we associate and love. Along with the threat to civil liberties, these data systems pose significant security risks. There have been multiple known breaches of ALPR data and technology in recent years, indicating potential cybersecurity threats. In a climate where the current federal administration is pursuing mass deportations of U.S. citizens and undocumented individuals alike, Automated License Plate Recognition (ALPR) is a powerful surveillance technology that can invade the privacy of all individuals and violate the rights of entire communities. Aggregated location data allows law enforcement and private companies to create detailed profiles of a person's daily life. When considered in bulk, ALPR data can form an intimate picture of a driver's activities and even deter First Amendment-protected activities. This kind of targeted tracking threatens to chill fundamental freedoms of speech."

Arguments in Support
The California Public Defenders Association, *writing in support of this bill*, argues "Limiting use of ALPR use which could be used for immigration enforcement at sensitive locations is a positive step towards protecting these important places. California is home to more immigrants than any other state in the country. Nearly half of working households in California include immigrants and over half of all California workers are either immigrants or the children of immigrants. Immigrants are an integral part of the fabric of Californian society, contributing to its economy, culture, and workforce, and bringing innovation, and enrichment to our workplaces, schools, faith communities, and neighborhoods. Now more than ever, it is imperative to protect our immigrant community members from the federal attack on noncitizen residents."

Arguments in Opposition
 The California Police Chiefs Association (CPCA), *writing in opposition to this bill*, argue "CPCA understands the need to protect against unscrupulous searches and unwarranted invasion of individual privacy, which is why our ALPR operations are highly audited and regulated by existing law. These protections, however, still allow law enforcement to utilize the data collected by ALPRs in a manner that is critical to solving and preventing crime in our communities. The number one deterrent that prevents crime is creating a perception that perpetrators will be caught for unlawful acts, and ALPR systems only help increase that perception.

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."

FISCAL COMMENTS

According to Assembly Appropriations Committee:

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.

VOTES

SENATE FLOOR: 27-10-3
YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Umberg, Wahab, Weber Pierson, Wiener
NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares
ABS, ABST OR NV: Hurtado, Reyes, Stern

ASM TRANSPORTATION: 12-4-0
YES: Wilson, Ahrens, Bennett, Caloza, Carrillo, Hart, Jackson, Lowenthal, Papan, Ransom, Rogers, Ward
NO: Davies, Hoover, Lackey, Macedo

ASM PRIVACY AND CONSUMER PROTECTION: 9-4-2
YES: Bauer-Kahan, Bryan, Lowenthal, McKinnor, Ortega, Pellerin, Ward, Wicks, Wilson
NO: Dixon, DeMaio, Irwin, Macedo
ABS, ABST OR NV: Patterson, Petrie-Norris

ASM APPROPRIATIONS: 10-3-2
YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Ahrens, Pellerin, Solache
NO: Sanchez, Dixon, Tangipa
ABS, ABST OR NV: Pacheco, Ta

SENATE FLOOR: 39-0-1
YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
ABS, ABST OR NV: Reyes

SENATE FLOOR: 26-10-4
YES: Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Umberg, Wahab, Weber Pierson, Wiener
NO: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland, Valladares
ABS, ABST OR NV: Allen, Hurtado, Reyes, Stern

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