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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To restrict the usage of automated license plate reader system by governmental entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HARRIGAN introduced the following bill; which was referred to the Committee on _____

A BILL

To restrict the usage of automated license plate reader system by governmental entities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Automated License Plate Reader Accountability Act of 2026'' or the ''ALPR Accountability Act of 2026''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ALPR SYSTEM.—The term ''ALPR system'' means an automated license plate reader system of one or more cameras, sensors, or other devices, together with any associated software, database, or network service, that captures images of motor vehicles and automatically converts those images into machine-readable data.

(2) COVERED RECORD.—The term ''covered record'' means any image, license plate read, vehicle attribute, date, time, or location record generated by, stored in, or accessible through an ALPR system.

(3) EXPRESSIVE ATTRIBUTE.—The term ''expressive attribute'' means any bumper sticker, decal, sign, flag, emblem, lettering, or other marking affixed to or displayed on a motor vehicle that communicates a political, religious, social, or organizational message, and includes any indicium of membership in or affiliation with any organization.

(4) GOVERNMENTAL ENTITY.—The term ''governmental entity'' means a department or agency of the United States or of any State or political subdivision thereof, and includes any officer, employee, agent, or contractor acting on its behalf.

(5) QUERY.—The term ''query'' means any search, retrieval, comparison, or analysis of covered records, whether initiated by a person or executed automatically, and includes the automated comparison of a license plate read against a list of vehicles and any resulting alert.

(6) VENDOR.—The term ''vendor'' means any person that manufactures, sells, leases, installs, operates, hosts, or services an ALPR system for or on behalf of a governmental entity.

SEC. 3. WARRANT REQUIRED.

(a) IN GENERAL.—Except as provided in subsection (d), a governmental entity may not query an ALPR system, obtain a covered record from any person, or cause an ALPR system to generate an alert regarding a particular motor vehicle, except pursuant to a warrant issued under the Federal Rules of Criminal Procedure, or under an equivalent State warrant procedure, upon a showing of probable cause.

(b) PARTICULARITY.—A warrant issued under this section shall specify—

(1) the license plate number, vehicle identifier, or other unique characteristic of the motor vehicle to which the warrant is directed;

(2) the period for which covered records may be queried, which may not exceed 1 day, and, if the warrant authorizes alerts regarding future sightings of the motor vehicle, the period of such authorization, which may not exceed 7 days; and

(3) the ALPR systems, jurisdictions, or networks to which the warrant applies.

(c) NO AREA QUERIES.—No warrant issued under this section shall authorize the query of covered records for all motor vehicles present in a geographic area during a period of time, except that a court may authorize such a query, for a period not to exceed 1 hour and an area no broader than necessary, upon a finding of probable cause to believe that a felony offense involving death or serious bodily injury occurred within that area and period.

(d) EMERGENCY EXCEPTION.—

(1) IN GENERAL.—A governmental entity may query an ALPR system without a warrant if an official of supervisory rank determines that an emergency involving an imminent danger of death or serious bodily injury to any person requires access without delay.

(2) SUBSEQUENT APPLICATION.—Not later than 48 hours after a query conducted under paragraph (1), the governmental entity shall apply to a

court of competent jurisdiction for an order approving the query.

(3) EFFECT OF DENIAL.—If the court denies the application, the governmental entity shall immediately cease any ongoing query or alert, shall destroy all covered records obtained under paragraph (1), and shall report the denial under section 6(c). Records destroyed under this paragraph may not be used or disclosed for any purpose.

(e) PROHIBITED PURPOSES.—No warrant may be issued under this section, and no query may be conducted under subsection (d), for the purpose of—

(1) identifying, monitoring, or cataloguing persons on the basis of religious affiliation, political affiliation, or participation in activity protected by the First Amendment to the Constitution; or

(2) enforcing a civil penalty, a parking or non-moving traffic violation, a debt, or a provision of the civil immigration laws.

SEC. 4. RETENTION AND DELETION.

(a) IN GENERAL.—A governmental entity, and any vendor acting on its behalf, shall delete each covered record not later than 1 day after the record is generated.

(b) EXCEPTIONS.—Subsection (a) does not apply to a covered record obtained pursuant to a warrant under

section 3, or under section 3(d) where a court has approved the query, or to a record subject to a preservation obligation imposed by a court, which may be retained until final disposition of the case and the exhaustion of appeals.

(c) IMAGES.—This section applies to the underlying image from which a covered record was derived to the same extent as to the machine-readable data, and no governmental entity or vendor may reprocess, reanalyze, or rederive data from an image after the applicable deletion deadline.

(d) CERTIFICATION.—Deletion under this section shall be irreversible, shall extend to all backups and replicated copies not later than 7 days after the deletion deadline, and shall be certified annually by the head of the governmental entity and by each vendor.

SEC. 5. LIMITATION ON SEARCHABLE VEHICLE ATTRIBUTES.

(a) INDEXING.—A governmental entity, and any vendor acting on its behalf, may not configure, operate, or procure an ALPR system that generates, stores, or maintains a searchable field, tag, index, or other machine-readable representation of an expressive attribute.

(b) QUERYING.—No governmental entity may query an ALPR system by, or filter the results of a query by,

an expressive attribute, whether or not the system is capable of such a query.

(c) PERMITTED ATTRIBUTES.—Subsections (a) and (b) do not prohibit the generation, storage, or query of data limited to license plate characters, the issuing jurisdiction of the plate, or the make, model, body type, or color of the motor vehicle, and nothing in this section limits the observation of a motor vehicle by a law enforcement officer or the review of an individual image lawfully obtained under section 3.

(d) PROCUREMENT.—A governmental entity may not enter into or renew a contract for an ALPR system unless the vendor certifies in writing that the system as delivered and configured complies with subsection (a).

SEC. 6. LOGGING AND REPORTING.

(a) QUERY LOGS.—A governmental entity shall maintain an immutable log of each query of an ALPR system, recording the identity of the individual conducting the query and the individual's employing agency, the date and time of the query and the terms queried, the case or incident number to which the query relates, and the court, docket number, and date of the warrant or order relied upon.

(b) RETENTION OF LOGS.—A log maintained under subsection (a) shall be retained for not less than 3 years and is not a covered record for purposes of section 4.

(c) ANNUAL REPORT.—Not later than March 1 of each year, the head of each governmental entity operating or accessing an ALPR system shall submit to the Attorney General of the United States, and publish on a publicly accessible website, a report stating, for the preceding calendar year—

(1) the number of ALPR devices operated and their general locations;

(2) the number of warrants sought, obtained, and denied under section 3;

(3) the number of queries conducted under section 3(d) and the number subsequently denied court approval;

(4) the number of arrests and criminal charges resulting from ALPR queries; and

(5) each instance of noncompliance with this Act and the corrective action taken.

(d) AUDIT.—The Inspector General of each department or agency of the United States that operates or accesses an ALPR system shall audit compliance with this Act not less frequently than every 2 years and shall submit the results to the Committee on the Judiciary of the Sen-

ate and the Committee on the Judiciary of the House of Representatives.

SEC. 7. VENDOR RESTRICTIONS.

(a) SECONDARY USE, SALE, AND TRAINING.—A vendor may not access, use, analyze, aggregate, or retain a covered record generated for or on behalf of a governmental entity for any purpose other than providing the contracted service to that entity, may not sell, lease, trade, license, or otherwise disclose such a record to any person other than that entity, and may not use such a record to develop, train, or refine any product, algorithm, or model, except to maintain the accuracy of license plate character recognition for the contracting entity.

(b) NETWORK SHARING.—A vendor may not make a covered record generated for one governmental entity available to another governmental entity unless the receiving entity is subject to this Act or to a State law described in section 8(b), and submits the information required under section 6(a), which shall be logged and made available to the originating entity.

(c) CONTRACT TERMS.—A contract between a governmental entity and a vendor for an ALPR system shall incorporate the requirements of this section and shall provide for termination upon material breach.

SEC. 8. STATE COMPLIANCE.

(a) WITHHOLDING OF FUNDS.—For each fiscal year beginning after the date that is 2 years after the date of enactment of this Act, the Attorney General of the United States shall withhold 10 percent of the funds that would otherwise be allocated for that fiscal year to a State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.) if the State does not have in effect a law described in subsection (b).

(b) LAW DESCRIBED.—A law described in this subsection is a law that, with respect to a governmental entity of the State and any political subdivision or vendor thereof—

(1) prohibits the querying of an ALPR system except pursuant to a warrant issued upon a showing of probable cause, subject to an emergency exception no broader than that provided under section 3(d);

(2) requires the deletion of covered records on a schedule at least as protective as that required under section 4;

(3) prohibits the indexing and querying of expressive attributes to at least the same extent as section 5;

(4) requires query logging and annual public reporting substantially equivalent to that required under section 6; and

(5) provides a remedy for a violation substantially equivalent to that provided under section 9.

(c) CERTIFICATION.—A State seeking to avoid withholding under subsection (a) shall submit to the Attorney General of the United States, in such form as the Attorney General may require, a certification that the State has in effect a law described in subsection (b), together with a citation to that law.

(d) DETERMINATION.—Not later than 90 days before the first day of each fiscal year, the Attorney General of the United States shall determine whether each State has in effect a law described in subsection (b). Before withholding funds, the Attorney General shall notify the State of the specific deficiency identified and provide a period of not less than 180 days to cure. A State aggrieved by a determination under this subsection may obtain review in the United States district court for the district in which the capital of the State is located.

(e) REALLOCATION.—Funds withheld from a State under subsection (a) shall be reallocated to States that have in effect a law described in subsection (b), in proportion to each such State's allocation for that fiscal year.

(f) STATE DEFINED.—In this section, the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 9. ENFORCEMENT.

(a) SUPPRESSION.—A covered record obtained in violation of this Act, and any evidence derived from that record, may not be received in evidence in any trial, hearing, or other proceeding before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States or of a State.

(b) CIVIL ACTION.—A person aggrieved by a violation of this Act may bring a civil action in an appropriate United States district court against the governmental entity or vendor that committed the violation, and the court may award damages in an amount equal to the greater of actual damages or $1,000 per violation, punitive damages in the case of a willful or intentional violation, reasonable attorney's fees and other litigation costs, and such equitable or declaratory relief as may be appropriate. An action under this subsection may not be commenced later than 2 years after the date on which the claimant first discovered, or had a reasonable opportunity to discover, the violation.

(c) NOTICE TO AGGRIEVED PERSONS.—Not later than 90 days after the period authorized by a warrant under section 3 concludes, the governmental entity shall notify the registered owner of the motor vehicle, except that a court may postpone notice upon a showing that notice would endanger a person or jeopardize an ongoing investigation.

SEC. 10. RULE OF CONSTRUCTION; EFFECTIVE DATE.

(a) MINIMUM STANDARD.—Nothing in this Act preempts a State law that provides greater protection than this Act, and no provision of this Act may be construed to authorize the acquisition, retention, or use of a covered record that is prohibited by State law.

(b) NO NEW AUTHORITY.—Nothing in this Act shall be construed to grant a governmental entity authority to deploy an ALPR system, or to expand any existing authority.

(c) FOURTH AMENDMENT.—Nothing in this Act shall be construed to limit any right or remedy under the Fourth Amendment to the Constitution, or to establish that conduct permitted under this Act does not constitute a search within the meaning of that amendment.

(d) EFFECTIVE DATE.—This Act shall take effect on the date that is 180 days after the date of enactment of this Act, except that section 5(a) and section 8 shall take

effect on the date that is 2 years after such date of enactment. A contract for an ALPR system entered into before such date of enactment shall be brought into compliance with section 7 upon the first renewal occurring after the effective date of this Act, or 3 years after such date of enactment, whichever occurs first.