

AMENDMENT NO. 2
TO
ORDINANCE NO. BL2021-961

Mr. President –

I hereby move to amend Ordinance No. BL2021-961 as follows:

I. By amending Section 1, proposed Metro Code of Laws Section G.1(a).i as follows:

(a) i. The authorized purposes for using the LPR system and collecting LPR information, which shall be limited to the following:

- (1) investigating and prosecuting felony criminal offenses and criminal offenses associated with violent crimes including, ~~but not limited to, gun violence, violent crime, such as gun violence,~~ homicide, and assault; and reckless driving; and persons engaged in including illegal drag racing activity at speeds in excess of 70 miles per hour;
- (2) identification and recovery of stolen vehicles and stolen license plates;
- (3) detecting ~~civil~~ traffic or parking offenses;
- (4) operating a smart parking or curb management program; and
- (5) assisting in missing persons cases including Amber and Silver Alerts.

II. By amending Section 1, proposed Metro Code of Laws Section G.1(a).iv as follows:

iv. Law Enforcement Agencies, the Parking Enforcement Patrol, NDOT, and their contractors must have reasonable suspicion that a felony criminal offense, or ~~a civil~~ traffic or parking offenses, has occurred before examining collected license plate reader data that was collected more than one hour prior to the examination. Further, Law Enforcement Officers shall not examine license plate reader data that was collected more than one hour prior to the examination in order to generate reasonable suspicion.

III. By amending Section 1, proposed Metro Code of Laws Section G.3(f) as follows:

(f) To the extent consistent with state or federal law, to ensure compliance with the provisions of this section or to investigate complaints of misuse of an LPR or LPRs, the district attorney general, or a designee, or the public defender, or a designee, may examine and audit any LPR, any file used to store LPR data, and any records pertaining to the use of LPRs. If the district attorney general or the public defender believes that an LPR or LPRs have been used in violation of this section, either or both may send a letter to the Metro Council requesting suspension of the use of an LPR or LPRs for the purposes of investigation, to prevent ongoing violations, or to deter future violations. The Metro Council may grant such a request by resolution. Nothing in this section shall be construed as limiting

the authority of the district attorney general to prosecute any crime involving LPR. This includes, but is not limited to, tampering with evidence, which is a class C felony punishable under Tennessee law with a term of imprisonment of three to fifteen years and a fine not to exceed \$10,000.

IV. By amending Section 1, proposed Metro Code of Laws Section G.5 as follows:

5. The LPR Custodian shall perform an audit of the LPR system and its access history on a regular basis, not less than one time per year. The department shall maintain an audit trail of access to the system for a period of not less than three years, which will include the following:

- (a) The date and time the information is accessed.
- (b) The license plate number or other data elements used to query the LPR system, if such data elements are not deleted per subsection G.4 of this section. Data exempt from deletion under subsection G.4., such as data that will be used as evidence in a felony criminal offense or civil traffic or parking offense, must be preserved for the audit trail pursuant to this subsection.
- (c) The username of the person who accessed the information.
- (d) The purpose for accessing the information.
- (e) To the extent consistent with state or federal law, Access to review the Metropolitan Nashville Police Department audit trail shall be provided to the District Attorney, Public Defender two members of the Council, as selected by the Council, and Chair to one member of the Community Oversight Board, as selected by the Community Oversight Board.

V. By amending Section 1, proposed Metro Code of Laws Section G.7(d)(ii) as follows:

ii. The number of matches made by the LPR, including number of matches read correctly and any misread.

SPONSORED BY:

Jennifer Gamble
Member of Council