

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2020-494

Mr. President –

I hereby move to amend Ordinance No. BL2020-494 by amending Section 2, proposed Metro Code of Laws Section 13.08.080, subsection I, as follows:

I. This section shall not apply to the use of license plate scanners by law enforcement for the ~~sole~~ purpose of enforcing state and local laws pertaining to reckless driving, ~~especially for~~ including but not limited to the prosecution of persons engaged in illegal drag racing activity at speeds in excess of 70 miles per hour, and for identifying stolen license plates used on vehicles driving recklessly. Unless specifically authorized herein, license plate readers shall not be used for any other purpose, including but not limited to surveillance. Any data collected shall be safeguarded to ensure such data is encrypted and, to the extent permitted by Tennessee law, is not accessible to individuals or entities unrelated to the investigation or prosecution of reckless driving and illegal drag racing. License plate scanners used for this purpose shall be limited to use along arterial streets and controlled access highways, including exit and entrance ramps. Further, this section shall not apply to the use of license plate scanners at mass gatherings within the right-of-way or when intersections are unlawfully shut down to accommodate drag racing activity. To the fullest extent permitted by state law, license plate data shall only be retained during the pendency of the prosecution and shall be destroyed following the final disposition of the case. To the extent permitted by Tennessee law, the data captured by these license plate scanners shall not be held for more than 30 days unless the data is retained or stored as part of an ongoing investigation, and in that case, the data shall be destroyed at the conclusions of either (1) an investigation that does not result in any criminal charges being filed; or (2) any criminal action undertaken in the matter involving the data. The data captured by the license plate scanners shall be shared with law enforcement outside of Metropolitan Nashville and Davidson County only to the extent necessary to investigate violations of state and local laws pertaining to reckless driving and illegal drag racing activity at speeds in excess of 70 miles per hour, including the identification of stolen license plates. If such data is shared with law enforcement outside of Metropolitan Nashville and Davidson County, the Metropolitan Nashville Police Department shall post notification of such on its website within 15 days after sharing. This subsection shall be null and void 180 days after the effective date of this subsection, unless extended by resolution of the metropolitan council. This provision, commonly known as a "sunset provision," is included to ensure that the effectiveness and necessity of this section is reviewed by the metropolitan council after its adoption.

SPONSORED BY:

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