

AMENDMENT NO. __

TO

ORDINANCE NO. BL2021-841

Mr. President –

I move to amend Ordinance No. BL2021-841 as follows:

I. By amending Section 2 to state that Section 13.08.080 is “hereby amended by ~~adding the following new Subsection H and by renumbering the existing Subsection H to Subsection I deleting Subsection H in its entirety and replacing it with the following~~”.

II. By further amending Section 2, proposed Section 13.08.080, by deleting subsection H.1. and replacing it with the following:

1. An LPR shall be used for the sole purpose of recording and checking license plates and the captured image shall not be used for ~~capable of photographing, recording, or producing images of~~ identifying the occupants of a motor vehicle.

III. By further amending Section 2, proposed Section 13.08.080, by adding subsection H.2.e. as follows:

- e. Suspects for whom probable cause exists for an arrest for a felony offense.

IV. By further amending Section 2, proposed Section 13.08.080, by deleting subsection H.4. and replacing it with the following:

4. Records of license plates read by each LPR shall not be recorded or transmitted outside the LPR system and shall be purged from the LPR system within 24 hours of their capture in such a manner that they are destroyed and are not recoverable, unless it results in a match with a vehicle falling within paragraph 2 above. Subject to this exception, and unless otherwise required by law, records of license plates that are matched by an LPR shall be purged from the LPR system within 24 hours of their capture in such a manner that they are destroyed and are not recoverable, unless the match results in an arrest, a citation, or protective custody, or identified a vehicle that was the subject of a missing or endangered person broadcast, in which case the data on the particular license plate shall be destroyed at the conclusion 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 captured plate data. Captured license plate data obtained for the purposes described in paragraph 2 above shall not be used or shared for any other purpose.

V. By further amending Section 2, proposed Section 13.08.080, by deleting subsection H.6. and replacing it with the following:

6. To ensure compliance with the provisions of this section or to investigate complaints of misuse of an LPR or LPRs, a) the district attorney general, or a designee; b) the public defender, or a designee; or c) the chair of the Community Oversight Board, or a designee; ~~or d) two members of Council as selected by the Metropolitan Council~~ may examine and audit any LPR, any server used to store LPR data, and any records pertaining to the use

of LPRs not otherwise deemed confidential under state law. If the district attorney general, the public defender, or a majority of the Community Oversight Board believes that an LPR or LPRs have been used in violation of this section, ~~either or both~~ any or all may send a letter to the Metropolitan 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 Metropolitan Council may grant such a request by resolution.

VI. By further amending Section 2, proposed Section 13.08.080, by deleting subsection H.7. and replacing it with the following:

7. Deployment of LPRs shall be executed ~~in a manner that distributes their use equitably among MNPB precincts~~ such that their use is distributed in a generally equitable manner among MNPB precincts.

VII. By further amending Section 2, proposed Section 13.08.080, by deleting the first paragraph of subsection H.8. and replacing it with the following:

8. MNPB shall report ~~to the Metropolitan Council quarterly,~~ by posting the information on a public webpage which shall be navigable from MNPB's main departmental page on Nashville.gov and by sending a link to the report to the Metropolitan Council via email, beginning no more than three months from the date LPRs are deployed, the following information compiled since the end date of its most recent report

VIII. By further amending Section 2, proposed Section 13.08.080, by deleting subsection H.9. and replacing it with the following:

9. The Metropolitan Council shall hold a public hearing, set by resolution, regarding the use of LPRs sanctioned under Subsection 13.08.080.H by the Metropolitan government no more than six months from the date LPRs are deployed. The resolution setting the public hearing shall contain the date, time, and location of the public hearing. No more than three weeks after the public hearing, the Metropolitan Council shall vote by resolution on whether to continue use of such LPRs. The resolution to continue the use of such LPRs shall not be subject to deferral or a motion to reconsider, ~~but amendments to remove certain uses allowed by this section shall be permitted.~~ If the resolution to continue is adopted, the use of such LPRs will continue. If the resolution to continue is not adopted, the use of such LPRs will be discontinued.

IX. By further amending Section 2, proposed Section 13.08.080, by deleting subsection H.10. and replacing it with the following:

10. In the event that state legislation is enacted which requires ~~LPR~~ the data obtained by LPRs sanctioned under Subsection 13.08.080.H to be retained for longer than this section authorizes and requires such LPR data to be shared with any agency not authorized in this section, the Metropolitan Council shall vote by resolution whether to continue the use of such LPRs. The resolution to continue the use of such LPRs shall be voted on no more than five weeks following the effective date of the state legislation. The resolution shall not be subject to deferral or a motion to reconsider beyond that date. If the resolution to continue is adopted, the use of such LPRs will continue. If the resolution to continue is not adopted, the use of such LPRs will be discontinued.

X. By amending the ordinance to add the following new Section 3 and renumbering the existing Section 3 as Section 4:

Section 3. That Section 13.08.080 of the Metropolitan Code is hereby further amended by adding the following new Subsection I:

I. Notwithstanding the foregoing, the provisions of this section shall not apply to the Nashville Electric Service, the Metropolitan Nashville Airport Authority, the Metropolitan Development and Housing Agency, and the Metropolitan Transit Authority.

INTRODUCED BY:

Burkley Allen
Member of Council