

COMMITTEE ON HOMELAND SECURITY, JUSTICE
AND PUBLIC SAFETY

03/10/2022-AMENDED AND REPORTED OUT TO THE FLOOR

02/28/2022-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 34-0142

Thirty-Fourth Legislature of the Virgin Islands

October 1, 2021

An Act amending the Virgin Islands Code title 20, chapter 45 by adding a subchapter II to provide for an automated license plate reader system as a crime-fighting tool throughout the Virgin Islands; amending title 20, chapter 32, subchapter I relating to the inter-island transport of motor vehicles to provide additional requirements in section 225a for transporting motor vehicles inter-island and adding section 225c to provide for a special permit for vehicles brought into the Virgin Islands; amending title 3, chapter 33, section 881(g) relating to public records to exclude from public examination captured plate data from automated license plate reader systems; requiring the Virgin Islands Police Department in conjunction with the Office of the Attorney General to promulgate regulations relating to the automated license plate reader system; making a \$500,000 appropriation to the Virgin Islands Police Department to establish a pilot speed and red-light camera program; and providing for other purposes

PROPOSED BY: Senators Novelle E. Francis, Jr., Franklin D. Johnson,
Janelle K. Sarauw and Dwayne M. DeGraff
Co-sponsors: Steven D. Payne, Sr., and Kenneth L. Gittens

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 20 Virgin Islands Code, chapter 45 is amended by designating the
3 existing provisions as subchapter I and adding a subchapter II to chapter 45 to read as follows:

4 **“Subchapter II Automated license plate reader system**

5 **§ 521.** Definitions. As used in this subchapter the following terms have the meaning set
6 forth in this section.

7 (1) “Active data” means data uploaded to individual automated license plate reader
8 system units before operation; and data gathered during the operation of an automated license
9 plate reader system. Active data does not include historical data.

1 (2) “Automated license plate reader system” means a system of one or more mobile or
2 fixed high-speed cameras used in combination with computer algorithms to convert an image
3 of a license plate into computer-readable data.

4 (3) “Bureau” means the Virgin Islands Bureau of Motor Vehicles.

5 (4) “Captured plate data” means the global positioning system coordinates, dates and
6 times, photographs, license plate numbers, and any other data collected by or derived from an
7 automated license plate reader system. Captured plate data includes active data and historical
8 data.

9 (5) “Captured images” means the complete, uncropped images generated by the
10 Automated license plate reader system.

11 (6) “Department” means the Virgin Islands Police Department.

12 (7) “Facial recognition software” means computer software that can automatically
13 match the image or video footage of a person’s face with a person’s identity and allow for facial
14 images to be stored and searched for at a later time.

15 (8) “Governmental entity” includes the executive, legislative, and judicial branches of
16 the Government of the Virgin Islands, agencies and autonomous and semi-autonomous
17 instrumentalities of the Government of the Virgin Islands, and Governing Boards and
18 Commissions of the Government of the Virgin Islands, including but not limited to the Virgin
19 Islands Government Hospitals and Health Facilities Corporation and the University of the
20 Virgin Islands.

21 (9) “Historical data” means any data collected by an automated license plate reader
22 system and stored in an automated license plate reader database operated by the Virgin Islands
23 Police Department or other law enforcement agency.

24 (10) “Law enforcement agency” has the meaning stated 5 V.I.C. § 4101(h).

1 (11) “Legitimate law enforcement purpose” means the investigation, detection, or
2 analysis of a crime or a violation of Virgin Islands laws, the operation of terrorist or missing
3 or endangered person searches or alerts or an activity initiated by a law enforcement agency.

4 (12) “Watch list” means a list of specific vehicles and license plates used to create
5 events when specific license plates are detected.

6 **§ 522. Collection and Preservation.**

7 (a) The Virgin Islands Police Department shall develop and maintain an automated
8 license plate reader system database.

9 (b) The Department and the Bureau of Motor Vehicles may collect, and store captured
10 images and plate data for the purposes described and as prescribed in this subchapter.

11 (c) The captured images and plate data must be stored immediately upon collection
12 and immediately transferred to the database of the Bureau and not accessed except for a purpose
13 identified in section 523(a).

14 (d) All captured images and plate data collected must be destroyed no later than 24
15 months after the data was originally collected unless the data is the subject matter for a law
16 enforcement purpose.

17 **§ 523.** (a) The automated license plate reader system may be used by a law enforcement
18 agency for a legitimate law enforcement purpose and by a governmental entity for the purpose
19 of:

- 20 (1) enforcing all laws;
- 21 (2) investigating any potential crime or criminal activity;
- 22 (3) conducting traffic analysis and assessing planning needs;
- 23 (4) research and educational purposes; if the data collected is anonymized.

24 (b) With the exception of the Virgin Islands Police Department, law enforcement
25 agencies or other governmental entities must obtain a warrant prior to using a watch list to
26 automatically identify specific vehicles or individuals, except when:

- 27 (1) using a federal anti-terrorism watch list;

1 (2) the Department or other law enforcement agency determines that there is an
2 ongoing crime that meets camera system emergency watch-list criteria outlined in the
3 Department's regulations accompanying this subchapter. Such criteria must conclude
4 that:

5 (A) Law enforcement determines that there is an ongoing crime in which
6 an individual's life or safety is in danger; and

7 (B) There is enough descriptive information about a suspect or a suspect's
8 vehicle to believe that inclusion on a camera system emergency watch-list will
9 assist in apprehending the suspect.

10 (c) Any entity with which a contract has been executed to provide or maintain the
11 technology or equipment to use automated license plate readers or the database is entitled to
12 access the data collected exclusively for the purposes of enforcing this subchapter.

13 (d) The automated license plate reader system may use facial recognition software.
14 The Department shall ensure the selection of facial recognition software, technology or systems
15 that have the least amount of racially skewed failure or false match rates.”

16 **§ 524. Disclosure of captured plate images and data.**

17 (a) Information gathered by an automated license plate reader system is not a public
18 record and not subject to disclosure under the Virgin Islands Public Records Act, 3 V.I.C. §881
19 et seq.

20 (b) Captured plate images and data may not be used or shared for any other purpose
21 other than the purposes described in § 523(a).

22 (c) A party in a criminal or civil case requesting captured plate images or data must
23 submit a court order or subpoena that:

24 (1) Requests the Department to preserve the captured plate image or data;

25 (2) Identifies the camera or cameras for which captured images or plate data must
26 be preserved and the license plate for which captured plate images or data must be

1 preserved; the dates and time frames for which captured images or plate data must be
2 preserved;

3 (3) Notifies the Department that the party in the civil or criminal case is applying
4 for a court order for disclosure of the captured images or plate data.

5 (d) A court of competent jurisdiction shall issue a court order requiring the disclosure
6 of captured plate data if the requesting party offers specific and articulable facts showing that
7 there are reasonable grounds to believe that the captured images or plate data is relevant and
8 material to the ongoing case.

9 (e) The Department shall release the captured images or plate data requested in
10 subsection (c) upon the receipt of a court order requiring the disclosure of the data.

11 (f) A law enforcement agency or governmental entity requesting captured plate data
12 shall submit a written request to the Department or the Bureau identifying the purpose
13 consistent with section 523.

14 (g) Captured images or plate data that are the subject of an application for a disclosure
15 order under this section must be destroyed at the later of the date that an application is denied,
16 and any appeal exhausted; or the end of the period described in section 522(d).

17 (h) Notwithstanding the provisions of this section, a governmental entity may preserve
18 and disclose aggregate captured images or plate data for planning and statistical purposes, if
19 the information identifying a specific license plate is not preserved or disclosed.

20 (i) A governmental entity that is authorized to use an automated license plate reader
21 system may not sell captured plate images or data for any purpose.

22 **§ 525. Penalties**

23 (a) Any person who knowingly requests, uses, obtains or attempts to obtain images or
24 data captured from an automated license plate reader system under false pretenses or for any
25 purpose other than the purposes identified in section 523(a) is for each such offense guilty of a
26 misdemeanor.

1 (b) An employee of a law enforcement agency or a governmental entity who violates
2 this section is subject to imprisonment not exceeding one year and a fine not exceeding \$10,000
3 or both.

4 § 526. Regulations.

5 (a) The Department and the Bureau in consultation with the Office of the Attorney
6 General shall promulgate regulations relating to the operation and use of the automated license
7 plate reader system.

8 (b) The regulations must include:

9 (1) Designation of staff in the Department and the Bureau authorized to query
10 captured images or license plate data gathered by an automated license plate reader
11 system;

12 (2) Procedures and safeguards to ensure that staff with access to the automated
13 license plate reader database are adequately screened and trained;

14 (3) An audit process to ensure that information obtained through the use of an
15 automated license plate reader system is used only for the purposes identified in section
16 523 , including audits of requests made by law enforcement officers and employees of
17 a governmental entity; and;

18 (4) Annual reporting requirements to the Legislature of the Virgin Islands based
19 on data from the previous calendar year. The data must include:

20 (A) The total number of automated license plate reader units being operated
21 in the territory;

22 (B) The number of automated license plate reader readings made and
23 categorized by district;

24 (C) The number of automated license plate reader readings or images being
25 retained on the automated license plate reader database;

26 (D) The number of requests made for automated license plate reader data
27 or images, including specific number for the number of requests that resulted in a

1 release of information; the number of requests made from outside the Territory; the
2 number of federal requests; the number of requests from outside the Territory that
3 resulted in a release of information; and the number of federal requests that resulted
4 in a release of information;

5 (E) Any data breaches or instances of unauthorized use of the automated
6 license plate reader database; and

7 (F) A list of audits completed.

8 **SECTION 2.** Title 20 Virgin Islands Code, part II, chapter 32, subchapter I, is amended
9 in the following instances:

10 (a) Section 225a is amended

11 (1) In subsection (a) by inserting “and notify the Bureau that the vehicle is being
12 shipped to another island after “carrier”; and

13 (2) By adding subsections (c) and (d) to read:

14 “(c) Failure of the shipping company to comply shall result in a \$1000 fine, or
15 revocation of license to operate in the Virgin Islands, upon report to the Bureau of Motor
16 Vehicles.

17 (d) The Director of the Bureau of Motor Vehicles shall promulgate regulations
18 and the process by which the Bureau shall monitor and enforce the provisions of this
19 section.”

20 (b) Section 225c is added and reads as follows:

21 **“§ 225c. Special Permit required for vehicles brought into the Virgin Islands**

22 (a) The owner or purchaser of a motor vehicle who brings a motor vehicle into the
23 Virgin Islands shall pay the applicable fees to obtain a Special Permit from the Bureau of Motor
24 Vehicles for the purpose of transporting the vehicle from the shipping company or freight
25 forwarder to the Bureau of Motor Vehicles to be inspected and titled. The Bureau shall ensure
26 that the vehicle is insured, the highway user tax was paid, that the owner of the vehicle can be
27 verified, and any document required by Director of the Bureau for permit issuance has been

1 presented. Two copies of the Special Permit must be issued, one for display on the rear of the
 2 vehicle, and one for the front. Shipping companies, freight forwarder companies, and the
 3 Virgin Islands Port Authority shall visually confirm a valid Special Permit before the vehicle
 4 may exit the port of entry.

5 (b) Upon receipt of the Special Permit issued by the Bureau of Motor Vehicles, the
 6 shipping company or freight forwarder shall release the vehicle to the owner. The carrier shall
 7 maintain a list of motor vehicles transported and report this list daily to the Bureau. The
 8 Director of the Bureau shall determine the medium by which the report must be submitted
 9 along with the form and format for reporting.

10 (c) Failure of the vehicle owner, shipping company or freight forwarder company to
 11 comply with this section shall result in a \$1000 fine.

12 (d) The Director of the Bureau shall promulgate regulations and the process by which
 13 the Bureau shall monitor and enforce the provisions of this section.”

14 **SECTION 3.** Title 20 Virgin Islands Code, part II, chapter 33, section 512 is amended
 15 by adding additional fines to the schedule of fines for traffic violations as follows:

16	“T 20, 334(a)	No rear license plate, or other special permit			
17			100.00	150.00	200.00
18	T 20, 334(a)	No front license plate			
19			100.00	150.00	200.00
20	T 20, 334(c)	Front license plate placed in front window			
21			50.00	100.00	150.00
22	T 20, 334(g)	License plate covered by license plate cover, or otherwise obscured			
23			100.00	150.00	200.00”.

24 **SECTION 4.** Title 3 Virgin Islands Code, chapter 33, section 881, subsection (g) is
 25 amended by adding item 15 to read as follows: “15 captured plate data from automated license
 26 plate reader systems as defined in 20 V.I.C. § 521.”

1 **SECTION 5.** Not later than 180 days after the date of enactment of this act, the Virgin
 2 Islands Police Department in consultation with the Office of the Attorney General shall
 3 promulgate regulations pursuant to 20 V.I.C. § 526.

4 **SECTION 6.** The sum of \$500,000 is appropriated from the General Fund of the
 5 Treasury of the Virgin Islands in the fiscal year ending September 30, 2022, to the Virgin
 6 Islands Police Department to establish a pilot speed and red-light camera program to enforce
 7 the traffic control laws of the Territory.

8 **SECTION 7.** The Virgin Islands Police Department shall promulgate regulations for the
 9 operation of the program referenced in section 6.

10 **BILL SUMMARY**

11 This bill provides for use of an automated license plate reader to collect, and store
 12 captured images and license plate data as crime fighting tools throughout the Virgin Islands.
 13 The Police Department will develop and maintain an automated license plate reader system
 14 database. The information captured may be used for legitimate law enforcement purposes by
 15 law enforcement agencies and regulatory and administrative purposes by other governmental
 16 entities.

17
 18 Section 2 amends 20 V.I.C., chapter 32, subchapter I to provide additional requirements
 19 for vehicle owners and shipping companies for inter-island transport of motor vehicles. Section
 20 3 amends the schedule of fines for traffic violations in 20 V.I.C. § 512 to add additional fines
 21 for additional traffic violations.

22
 23 Section 4 of the bill amends 3 V.I.C. § 881 to exclude captured plate data from
 24 automated license plate reader systems from public inspection. Section 5 requires the Police
 25 Department and the Bureau of Information Technology in conjunction with the Attorney
 26 General to promulgate regulations for the operation of the automated license plate data
 27 collection system.

28
 29 Section 6 provides a \$500,000 appropriation from the General Fund to the Police
 30 Department to establish a pilot speed and red-light camera program. Section 7 requires the
 31 Police Department to promulgate regulations of the operation of pilot red-light camera
 32 program.

33 **BR21-0085/September 15, 2021/**

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 37 [442\Amendment 34-442 \(REVISED\)-DRAFTED ON YELLOW.docx](#)