

2016 -- H 7207

=====
LC003690
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————
A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - SURVEILLANCE DEVICES

Introduced By: Representatives Edwards, Diaz, Tanzi, Ajello, and Shekarchi

Date Introduced: January 15, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 153.1

4 HIGHWAY VIDEO SURVEILLANCE

5 **42-153.1-1. Highway Surveillance Prohibited.** -- (a) In this section, "surveillance"
6 means the act of determining the ownership of a motor vehicle or the identity of a motor vehicle's
7 occupants on the public ways of the state or its political subdivisions through the use of a camera
8 or other imaging device, or any other device, including, but not limited to, a transponder, cellular
9 telephone, global positioning satellite, EZ-Pass, automated license plate recognition systems or
10 radio frequency identification device, that by itself or in conjunction with other devices or
11 information can be used to determine the ownership of a motor vehicle, the identity of a motor
12 vehicle's occupants or the mileage, locations and routes traveled by the motor vehicle.

13 (b) Neither the state of Rhode Island, nor its political subdivisions, shall engage in
14 surveillance on any public ways of the state or its political subdivisions.

15 (c) The prohibition set forth in §42-153.1-1(b) shall not apply where surveillance:

16 (1) Is specifically authorized by statute;

17 (2) Is undertaken by law enforcement in the investigation of a particular violation,
18 misdemeanor, or felony or by court order;

19 (3) Is undertaken to produce images or data that:

1 (i) Are viewed only at the transportation management center of the department of
2 transportation in connection with a particular incident occurring on a public way; and

3 (ii) Are not recorded.

4 (4) Is incidental to the monitoring of a building or other structure under the control of the
5 state or a political subdivision of the state;

6 (5) Is undertaken for purposes of operation of a toll collection system; or

7 (6) Is undertaken for the security of the following bridges and approach structures: the
8 Claiborne Pell Bridge, the Mount Hope Bridge, the Sakonnet River Bridge, or the Jamestown
9 Verrazzano Bridge.

10 (d) Nothing in this section shall prevent the creation, transmission, or recording of any
11 images or data which cannot, by enhancement, manipulation, or otherwise, be used for
12 surveillance.

13 (e) Any person violating the provisions of this section shall be guilty of a misdemeanor.

14 **42-153.1-2. Confidentiality of information.--** Any information collected or stored in
15 any database under the provisions of §§42-153.1-1(c)(4) through (6) shall be deemed private and
16 shall not be subject to freedom of information or access to public records requirements except by
17 court order. Said information may be accessed by employees of the state for the purpose of
18 providing customer service or for statistical, administrative or legal activities necessary to
19 perform their duties. Information shall be maintained only for said time as is necessary, but in no
20 event more than five (5) years, unless otherwise required by court order.

21 SECTION 2. This act shall take effect upon passage.

=====
LC003690
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - SURVEILLANCE DEVICES

1 This act would prohibit surveillance on any public highway in the state unless
2 specifically authorized by statute or court order. This act would also provide for the
3 confidentiality of information collected or stored.

4 This act would take effect upon passage.

=====
LC003690
=====