LEGISLATIVE MEMORANDUM

Automatic License Plate Readers: One Framework, One Fix

Delton F. Caraway
Assistant Public Defender, Ontario County
Individual Capacity Submission

TO: Chairs Rozic, McDonald, & Solages | Assembly Committees on Consumer Affairs, Gov Ops, & Local Govs
DATE: November 2026 (For November 9 Public Hearing)
RE: ALPR Statutory Synthesis: A.8779-B/S.7713-A (Rozic/Krueger) & A.10808-A/S.9890-A (Hunter/Hinchey)

BOTTOM LINE: Pass ALPR safeguards using Hinchey/Hunter as the master baseline, fold in the Rozic/Krueger health-care privacy protections, and close paragraph (v)—the broad "traffic law enforcement" exception—which threatens to defeat the bill's constitutional protections.

1. CURRENT ALPR SCALE & CONSTITUTIONAL STAKES

ALPR systems record every passing plate, date, and location, creating searchable movement histories without statutory limits. Recent Fourth Amendment rulings (*Carpenter*; *Chatrie* [SCOTUS, 2026]) affirm that routine tracking of location data touches core constitutional protections.

575	340	~25M	0
Cameras in Westchester (1.6B scans)	Readers in WNY (218k searches)	Scans in Troy (159 days)	NY Statutes setting retention/audit rules

2. COMPARING COMPLEMENTARY PROPOSALS

PROVISION	A.8779-B / S.7713-A (ROZIC / KRUEGER)	A.10808-A / S.9890-A (HUNTER / HINCHEY)
Core Focus	Protects lawful medical & reproductive health care tracking.	Comprehensive law-enforcement conduct code (ACLU model).
Protections	Strict out-of-state sharing bars & mandatory declarations.	48-hr retention, audit logs, public reporting, suppression remedies.
Critical Vulnerability	Does not address general law enforcement rules or retention.	**Paragraph (v):** Exception for general "vehicle & traffic law enforcement."

3. THE ONE FIX: CLOSE PARAGRAPH (V)

Proposed GBL § 397-c(2)(b)(v) permits ALPR queries "to enforce the vehicle and traffic law." Under *People v. Robinson*, police possess broad discretion during traffic encounters. Paragraph (v) allows pre-textual ALPR searches without individualized suspicion, effectively insulating unlawful queries from the bill's suppression and damages remedies (as seen in *U.S. v. Kyle* [N.D. Okla. 2026]).

4. RECOMMENDED ACTIONS

1. **Unify Bills:** Use Hinchey/Hunter as the structural frame; embed Rozic/Krueger health-care protections.
2. **Replace Paragraph (v):** Narrow traffic exceptions strictly to named automated camera programs.
3. **Audit & Visual Match:** Require case numbers for every query and mandatory visual verification before stops.

PROPOSED AMENDATORY LANGUAGE: GBL § 397-C(2)(B) & (C)

(v) ~~to enforce the vehicle and traffic law.~~ to administer an automated red-light or speed-enforcement program expressly authorized by law, provided that data collected thereunder shall not be queried for any other purpose.

(c) No query shall be executed to develop reasonable suspicion of a traffic violation. A hot-list match shall not, standing alone, constitute reasonable suspicion; visual confirmation of the plate and vehicle is required prior to any stop. Queries lacking a logged, permitted purpose shall be deemed obtained in violation of this section.