Date of Hearing: April 22, 2024

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ASSEMBLY COMMITTEE ON TRANSPORTATION
Lori D. Wilson, Chair
AB 2645 (Lackey) – As Amended April 3, 2024

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SUBJECT: Electronic toll collection systems: information sharing: law enforcement

SUMMARY: Requires a transportation agency to notify law enforcement when a vehicle identified in an emergency alert passes through its electronic toll collection system. Specifically, **this bill**:

1)   Requires a transportation agency that employs an electronic toll collection system, if the Department of the California Highway Patrol (CHP) activates an emergency alert, as specified, and that alert contains a license plate number of a vehicle involved in the incident, to notify CHP and the law enforcement agency that requested the alert upon identifying the vehicle with that license plate number.

2)   Requires the transportation agency to review prior footage within a reasonable time after an alert has been activated and notify CHP and the law enforcement agency that requested the alert upon identifying the vehicle with the license plate number identified in the alert.

3)   Requires the transportation agency to include the time and location that the vehicle was identified.

4)   Requires CHP, in consultation with transportation agencies that employ an electronic toll collection system, to develop a standard protocol regarding the notification of law enforcement after activation of an emergency alert, including how the transportation agencies will receive notifications of the initiation and conclusions of alerts and report any notifications to law enforcement agency.

EXISTING LAW:

1)   Provides that a transportation agency may make personally identifiable information available to a law enforcement agency only pursuant to a search warrant. (Streets and Highways Code (SHC) Section 31490)

2)   Requires, absent a provision in the search warrant to the contrary, law enforcement to immediately notify the person that their records have been obtained and to provide the person with a copy of the search warrant and the identity of the agency or peace officer to whom the records were provided. (SHC Section 31490)

3)   Provides that the search warrant requirement does not prohibit law enforcement, when conducting a criminal or traffic collision investigation, from obtaining personally identifiable information of a person if the officer has good cause to believe that a delay in obtaining this information by seeking a search warrant would cause an adverse result, as specified. (SHC Section 31490)

4) Defines "electronic toll collection system" as a system where a transponder, camera-based vehicle identification system, or other electronic medium is used to deduct payment of a toll from a subscriber's account or to establish an obligation to pay a toll. (SHC Section 31490)

5) Defines "transportation agency" as the Department of Transportation, the Bay Area Toll Authority, any entity operating a toll bridge, toll lane, or toll highway within the state, any entity administering an electronic transit fare collection system and any transit operator participating in that system, or any entity under contract with any of the those entities. (SHC Section 31490)

6) Establishes the "Amber Alert" system issued when a law enforcement agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted or taken and the victim is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of the victim. (Government Code (GOV) Section 8594)

7) Establishes the "Blue Alert" system to issue and coordinate alerts following an attack on a law enforcement officer. (GOV Section 8594.5)

8) Establishes the "Silver Alert" system to issue and coordinate alerts for a missing person who is 65 years old or older, developmentally disabled, or cognitively impaired. (GOV Section 8594.10)

9) Establishes the "Endangered Missing Advisory" system to issue and coordinate alerts with respect to a person who is at risk, developmentally disabled, or cognitively impaired. (GOV Section 8594.11)

10) Establishes the "Feather Alert" system to issue and coordinate alerts for missing, under unexplained or suspicious circumstances, endangered indigenous people, specifically indigenous women or indigenous people. (GOV Section 8594.13)

11) Establishes the "Ebony Alert" system to issue and coordinate alerts with respect to Black youth, including young women and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, or cognitively impaired, or who have been abducted. (GOV Section 8594.14)

12) Establishes the "Yellow Alert" system designed to issue and coordinate alerts with respect to a hit-and-run incident resulting in the death of a person. (GOV Section 8594.15)

FISCAL EFFECT: Unknown

COMMENTS: There are a number of alert systems in use in California, and nationally, to improve response times to various incidents. The AMBER Alert System began in 1996 when Dallas-Fort Worth broadcasters teamed with local police to develop an early warning system to help find abducted children. AMBER stands for America's Missing: Broadcast Emergency Response and was created as a legacy to nine year old Amber Hagerman, who was kidnapped while riding her bicycle in Arlington, TX, and then brutally murdered. Other states and communities soon set up their own AMBER plans as the idea was adopted across the nation.

The first alert system developed in California was "Amber Alert", established by AB 415 (Runner), Chapter 517, Statutes of 2002, which authorized law enforcement agencies to use the digital messaging on overhead roadway signs to assist in recovery efforts for child abduction cases. The California AMBER Alert Plan is a voluntary partnership between law enforcement, transportation, and media to rapidly disseminate information about a suspect and victim to law enforcement agencies and the public when a child has been abducted. California's AMBER Alert Plan has been part of the state's comprehensive child recovery strategy since it was launched in August, 2002.

After a successful implementation, the "Blue Alert," "Silver Alert," "Feather Alert," and the "Ebony Alert," public notification systems were developed in California. The "Blue Alert" provides notification when a law enforcement officer has been attacked and the "Silver Alert" provides notification when either 1) a person age 65 years or older or 2) a person who is developmentally disabled or cognitively impaired is missing. The "Feather Alert" provides alerts with respect to endangered indigenous people, specifically indigenous women or indigenous people, who are reported missing under unexplained or suspicious circumstances. The "Ebony Alert" provides alerts with respect to Black youth, including young women and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, or cognitively impaired, or who have been abducted.

This bill would require a transportation agency using an electronic toll collection system to notify law enforcement when a vehicle identified in a CHP-activated emergency alert passes through an electronic toll collection system. Under existing law, an "electronic toll collection system" is an "automated license recognition system" where a transponder, camera-based vehicle identification system, or other electronic medium is used to deduct payment of a toll from a subscriber's account or to establish an obligation to pay a toll. According to the California State Auditor:

"The majority of California law enforcement agencies (agencies) collect and use images captured by automated license plate reader (ALPR) cameras. The ALPR system is both a real-time tool for these agencies and an archive of historical images. Fixed cameras mounted to stationary objects, such as light poles, and mobile cameras mounted to law enforcement vehicles, capture ALPR images. Software extracts the license plate number from the image and stores it, with the date, time, and location of the scan and sometimes a partial image of the vehicle, in a searchable database. The software also automatically compares the plate number to stored lists of vehicles of interest, called hot lists then issues alerts, called hits if the plate number matches an entry on the hot list. Agencies compile these hot lists based on vehicles sought in crime investigations and vehicles connected to people of interest—for example, a list of stolen vehicles or of missing persons."

Existing law limits when transportation agencies can share electronic toll collection system data with law enforcement, and provides that a transportation agency may make personally identifiable information available to a law enforcement agency only pursuant to a search warrant. It provides, however, that the search warrant requirement does not prohibit law enforcement, when conducting a criminal or traffic collision investigation, from obtaining personally identifiable information of a person if the officer has good cause to believe that a delay in obtaining this information by seeking a search warrant would cause an adverse result. Adverse results exist when delay would result in among other things, danger to the life or physical safety of an individual; a flight from prosecution; the destruction of or tampering with evidence; the intimidation of potential witnesses; or the serious jeopardy to an investigation.

This bill would add an exception to the search warrant requirement when CHP has issued an emergency alert. Specifically, it would require a transportation agency operating the electronic toll collection system to notify CHP and the law enforcement agency that requested the alert upon identifying the vehicle with that license plate number.

According to the author, "AB 2645 amends California Streets and Highways Code to include special alerts as justifiable cause for transportation agencies to share license plate reading data from toll lanes with California Highway Patrol and the law enforcement agency that requested the alert, including time and location that the vehicle was identified. This proposed legislative amendment seeks to improve public safety and make law enforcement more efficient and responsive by leveraging existing available technology in specific cases involving special alerts."

In support, San Bernardino County writes, *"*Amber, Ebony, and Feather Alerts are swift response tools for child abduction cases. However, the effectiveness of these alerts is often hindered by the lack of access to real-time data that could aid law enforcement in locating suspect vehicles. Current California law restricts the sharing of personally identifiable information by transportation agencies operating toll lanes, toll highways, and toll bridges, requiring a search warrant for access. AB 2645 allows transportation agencies to share license plate reading data from toll lanes with the California Highway Patrol and the law enforcement agency that requested the alert. By leveraging automated license plate readers used by toll collection systems, law enforcement officers could swiftly identify and intercept suspect vehicles, increasing the chance of rescuing an abducted child."

Related legislation. AB 1863 (Ramos) of 2024, would require CHP, in consultation with other entities, to develop policies and procedures providing instruction to law enforcement agency, a broadcaster participating in the Emergency Alert System, and any other intermediate emergency agency that may institute activation of the Feather Alert, on how proceed after a report of a missing person. AB 1863 is pending hearing in the Assembly Committee on Emergency Management.

AB 1463 (Lowenthal) of 2023, would have required license plate data that does not match information on a "hot list" to be deleted within 30 days, and would have prohibited law enforcement agencies from sharing the data with any federal or out of state entities unless they have a valid California court order or warrant. AB 1463 failed passage in the Senate Judiciary Committee.

AB 946 (S. Nguyen), Chapter 93, Statutes of 2023, codified the CHP's existing Endangered Missing Advisory (EMA) Alert Program.

SB 673 (Bradford), Chapter 627, Statutes of 2023, established the Ebony Alert system to aid in the location of missing Black youths who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, cognitively impaired, or who have been abducted.

AB 1314 (Ramos), Chapter 476, Statutes of 2022, established the Feather Alert system to aid in the location of an Indigenous person who has gone missing under suspicious circumstances, or who has been abducted or kidnapped.

AB 1732 (Jim Patterson), Chapter 107, Statutes of 2022, re-established the "Yellow Alert" system, to aid in the apprehension of a suspect if a person has been killed or suffered serious bodily injury in a hit-and-run incident.

REGISTERED SUPPORT / OPPOSITION:

Support

Arcadia Police Officers' Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Coalition of School Safety Professionals
California Narcotic Officers' Association
California Reserve Peace Officers Association
California State Sheriffs' Association
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Deputy Sheriffs' Association of Monterey County
Fullerton Police Officers' Association
Los Angeles County Professional Peace Officers Association
Los Angeles School Police Management Association
Los Angeles School Police Officers Association
Murrieta Police Officers' Association
Newport Beach Police Association
Novato Police Officers Association
Palos Verdes Police Officers Association
Placer County Deputy Sheriffs' Association
Pomona Police Officers' Association
Riverside Police Officers Association
Riverside Sheriffs' Association
San Bernardino County
Santa Ana Police Officers Association
Upland Police Officers Association

Opposition

None on file

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