

To: Senate Judiciary Committee

From: John Goodyear, General Counsel

Date: February 9, 2022

RE: Testimony in Support of SB 434

I want to thank Chairwoman Warren and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony in support of SB 434.

Automated license plate recognition systems have become an important tool used by law enforcement entities to recover stolen vehicles and collect necessary information to aid in criminal investigations. The data collected by these systems is utilized by law enforcement to help make our communities safer. In recognition of the value of this tool, SB 434 makes amendments to the Open Records Act to clarify a few things for public entities that have put these systems to use. Importantly, the bill adds an exception to the Open Records Act allowing public agencies to withhold license plate data or information pertaining to the location of a license plate recognition system.

It seems clear that there are legitimate privacy interests at stake here. Withholding data collected by these systems will allow law enforcement entities to continue using them for the prevention and mitigation of crime while ensuring that the privacy of our community members is protected. Without a clear exception to the act, images captured by these systems may be open to the public at large. Further, if the locations of these systems are open to the public, they may cease to be useful in protecting our communities as savvy criminals will request the record and learn what routes to avoid when dealing in contraband or moving a stolen vehicle.

While the general rule under the Open Records Act is that records of public agencies are open to the public, the legislature has made exceptions in the Act when the disclosure of certain records pose a privacy or security risk. Allowing public agencies to withhold data collected by these systems and the location of these systems serves a similar purpose.

The League supports SB434 and respectfully ask the Committee to pass the bill to the full Senate for consideration.