

**Effective 5/13/2014**

**41-6a-2005 Preservation request.**

- (1) A person or governmental entity using an automatic license plate reader system shall take all steps necessary to preserve captured plate data in its possession for 14 days after the date the data is captured pending the issuance of a court order requiring the disclosure of the captured plate data if a governmental entity or defendant in a criminal case requesting the captured plate data submits a written statement to the person or governmental entity using an automatic license plate reader system:
  - (a) requesting the person or governmental entity to preserve the captured plate data;
  - (b) identifying:
    - (i) the camera or cameras for which captured plate data shall be preserved;
    - (ii) the license plate for which captured plate data shall be preserved; or
    - (iii) the dates and time frames for which captured plate data shall be preserved; and
  - (c) notifying the person or governmental entity maintaining the captured plate data that the governmental entity or defendant in a criminal case is applying for a court order for disclosure of the captured plate data.
- (2)
  - (a) A governmental entity or defendant in a criminal case may apply for a court order for the disclosure of captured plate data.
  - (b) A court that is a court of competent jurisdiction shall issue a court order requiring the disclosure of captured plate data if the governmental entity or defendant in a criminal case offers specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing person investigation.
- (3) Captured plate data that is the subject of an application for a disclosure order under Subsection (2) may be destroyed at the later of:
  - (a) the date that an application for an order under Subsection (2) is denied and any appeal exhausted;
  - (b) the end of 14 days, if the person or governmental entity does not otherwise preserve the captured plate data; or
  - (c) the end of the period described in Subsection 41-6a-2004(1)(c).
- (4) A governmental entity may obtain, receive, or use privately held captured plate data only:
  - (a)
    - (i) pursuant to a warrant issued using the procedures described in the Utah Rules of Criminal Procedure or an equivalent federal warrant; or
    - (ii) using the procedure described in Subsection (2); and
  - (b) if the private automatic license plate reader system retains captured plate data for 30 days or fewer.

Amended by Chapter 276, 2014 General Session