ORDINANCE NO. _____

BILL NO. 113 (2026)

A BILL FOR AN ORDINANCE ESTABLISHING A CHAPTER 8.38, MAUI COUNTY CODE, ON THE DISCLOSURE, SALE, AND COMMERCIAL USE OF LICENSE PLATE READER DATA

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. This Ordinance's purpose is to:

1. Prohibit the sale and commercial use of automated license plate reader data; and

2. Require that County contracts for automated license plate reader systems and services protect that data from use by a vendor for a purpose other than performance of the contract.

SECTION 2. Title 8, Maui County Code, is amended to add a new chapter to be appropriately designated and to read as follows:

"**Chapter 8.38**

DISCLOSURE, SALE, AND COMMERCIAL USE OF LICENSE PLATE READER DATA

Sections:

8.38.010 Definitions.
8.38.020 Sale and commercial use.
8.38.030 Queries and disclosures.
8.38.040 Immigration enforcement.
8.38.050 Contracts; special conditions.
8.38.060 Vendor eligibility.
8.38.070 Construction.
8.38.080 Implementation.

8.38.010 Definitions. In this chapter, unless the context otherwise requires:

"ALPR" means an automated license plate reader system.

"ALPR data" means information captured by an ALPR system, including license plate characters, associated vehicle images, date and time of capture, and geographic location of capture.

"ALPR system" means a system of one or more cameras and associated computer technology that automatically detects, captures, and records license plate data.

"Authorized ALPR user" means an agency authorized by law to operate an ALPR system, including an agency employee who has been designated in writing to access the system and who has completed required training.

"Criminal intelligence information" means information is relevant to the identification of and the criminal activity engaged in by an individual or organization reasonably suspected of involvement in criminal activity, consistent with the federal Criminal Intelligence Systems Operating Policies (28 C.F.R. part 23).

"Documented law enforcement nexus" means articulable facts that:

1. Are recorded before or at the time of the query or disclosure;
2. Are associated with a department case, report, computer-aided dispatch event number, or another law enforcement agency case or report number; and
3. Connect the query or disclosure to:
    a. a specific criminal offense,
    b. a missing or endangered person,
    c. a stolen vehicle or stolen license plate,
    d. the execution of lawful process, or
    e. an imminent threat of death or serious bodily injury.

"Immigration enforcement" means the same as defined Act 141, Session Laws of Hawai'i 2026.

"Law enforcement agency" means a federal, state, or county agency with statutory authority to investigate criminal offenses or enforce the criminal laws, except for a federal immigration authority acting for the purpose of immigration enforcement.

"Legitimate law enforcement purpose" means the investigation, detection, or prosecution of:

1. A criminal offense,
2. The location of a missing or endangered person,
3. The location of a stolen vehicle or stolen license plate,
4. The execution of lawful process, or
5. The protection of persons from an imminent threat of death or serious bodily injury.

"Legitimate law enforcement purpose" does not include immigration enforcement.

"Private entity" means a person except for an agency or other governmental entity.

"Vendor" means a person under contract with the County to provide ALPR systems, services, hosting, storage, processing, maintenance, or support.

8.38.020 Sale and commercial use. A. An agency must not sell, lease, trade, license, or otherwise transfer ALPR data to a private entity.

B. A vendor must not sell, lease, trade, license, or otherwise transfer ALPR data to a private entity.

C. An agency must not execute an agreement under which ALPR data is made available to a private entity for a commercial purpose, including advertising, marketing, consumer analytics, insurance underwriting, credit or debt collection, vehicle repossession, or resale.

D. This section does not prohibit:

1. Disclosure required by court order, subpoena, or other valid legal process;
2. Disclosure in the course of discovery in a criminal, civil, or administrative proceeding;
3. Disclosure to a person of a record concerning that person if required or permitted by chapter 92F, Hawai'i Revised Statutes, or section 13-9, "revised charter of the County of Maui (1983), as amended;
4. Disclosure be required under chapter 92F, Hawai'i Revised Statutes, or charter section 13-9 in response to a record request; or
5. Access by a vendor solely to the extent necessary to perform a contract with the County, subject to other limitations in this chapter.

8.38.030 Queries and disclosures. A. An authorized ALPR user may query ALPR data only:

1. For a legitimate law enforcement purpose and;
2. Where a documented law enforcement nexus exists.

The case, report, or incident number and the stated purpose must be recorded before the review begins. A single entry governs the queries conducted for a matter during the review. An agency must record each individual query and associate it with the entry.

B. ALPR data may be disclosed to a law enforcement agency only where:

1. The requesting agency seeks the data for a legitimate law enforcement purpose;
2. A documented law enforcement nexus exists; and
3. The individual requester is legally authorized to receive the data and requires it to perform an authorized law enforcement function.

C. Each disclosure under this section must be documented in a record maintained by the disclosing agency. The record must:

1. Identify the recipient and the recipient's agency;
2. Describe the information released;
3. State the reason for release; and
4. State the date of release.

D. A request from a law enforcement agency that is not made through a data-sharing platform the agency is authorized to operate or participate requires the chief of police's approval and must:

1. Be submitted in writing;
2. Include the requesting agency's case number;
3. Describe the nature of the investigation; and
4. Provide contact information for the assigned investigator.

E. Before release, the receiving agency must agree in writing to receive, maintain, secure, and further disseminate the data consistent with the policies of the disclosing agency.

F. Criminal intelligence information derived from ALPR data must be collected, maintained, and disseminated in accordance with the federal Criminal Intelligence Systems Operating Policies (28 C.F.R. part 23). ALPR data that has not been evaluated and determined to meet the criteria of title 28 Code of Federal Regulations section 23.20(a) is not criminal intelligence information and is governed by subsections A through E.

G. This section does not limit a disclosure necessary to avoid an imminent threat of death or serious bodily injury. A disclosure made under this subsection must be documented as soon as possible

8.38.040 Immigration enforcement. Consistent with Act 141, Session Laws of Hawai'i 2026, an agency must not disclose ALPR data to a federal immigration authority for the purpose of immigration enforcement or allow an ALPR system or ALPR data to be used to facilitate a federal immigration enforcement operation.

8.38.050 Contracts; special conditions. Every county contract for an ALPR system or for ALPR services must include the following special conditions:

A. All right, title, and interest in ALPR data collected by or on behalf of the County remains with the County;

B. The vendor must not access, use, copy, aggregate, analyze, or disclose ALPR data except as necessary to perform the contract and must not use ALPR data for product development, algorithm or model training, marketing, or resale;

C. The vendor must not disclose ALPR data to any third party, including any federal, state, or local government agency, except as directed in writing by the contracting agency or as compelled by valid legal process;

D. The vendor must not disclose ALPR data to a federal immigration authority for the purpose of immigration enforcement;

E. Where disclosure is compelled by valid legal process, the vendor must notify the contracting department within three] business days unless prohibited by law from doing so;

F. The vendor must maintain a log of every disclosure of ALPR data and provide the log to the contracting agency upon request;

G. The vendor must notify the contracting agency of any unauthorized access to or acquisition of ALPR data within 24 hours of discovery;

H. Upon expiration or termination of the contract, the vendor must return all ALPR data to the County, permanently delete all copies in its possession or control, and certify the deletion in writing;

I. The County may audit the vendor's compliance with these special conditions;

J. The vendor must not subcontract the storage or processing of ALPR data without the County's written consent; and

K. The vendor must comply with the Federal Bureau of Investigation Criminal Justice Information Services Security Policy to the extent applicable to the data and services provided.

8.38.060. Vendor eligibility. The County must execute or renew a contract for an ALPR system or ALPR services with a vendor whose:

A. Business practices include the sale, licensing, or transfer of law enforcement data to private entities for commercial purposes; or

B. Whose standard contract terms reserve the vendor a right to use data collected on behalf of a government customer for a purpose other than performance of the contract.

8.38.070. Construction. This chapter does not limit the performance of duties imposed by State law, compliance with a judicial warrant, court order, or subpoena, participation in mutual

aid, or the provision of information expressly required by federal or State law.

8.38.080 Implementation. The chief of police may adopt administrative rules, policies, procedures, and general orders to implement this chapter, including those that are more restrictive than this chapter requires."

SECTION 3. This Ordinance takes effect on approval.

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INTRODUCED BY:

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