

As Introduced

136th General Assembly

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H. B. No. 1009

Representatives Newman, Willis

**Cosponsors: Representatives Click, Lear, Lampton, Daniels, Hall, T., King,
Klopfenstein, Peterson, Barhorst, Richardson**

To enact sections 5507.01, 5507.02, and 5507.99 of
the Revised Code to regulate the use of
automated license plate recognition systems and
mass surveillance technology and to name this
act the Stop Flock Abuse Act.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5507.01, 5507.02, and 5507.99 of
the Revised Code be enacted to read as follows:

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Sec. 5507.01. As used in this chapter:

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(A) "Automated license plate recognition system" means a
system of one or more mobile or fixed high-speed cameras,
sensors, or devices, combined with computer algorithms, that is
capable of converting images of license plates, vehicle
location, or other vehicle identification markers into computer-
readable data.

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(B) "Captured surveillance data" means the data and
resulting metadata that is captured by, derived from, generated
by, or inferred from an automated license plate recognition
system or mass surveillance technology, including any images,

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photographs, videos, location information, or other forms of 19
observation recording. 20

(C) "Government entity" means a state agency, public 21
institution, political subdivision, or any other organized body, 22
office, agency, institution, or entity established by the laws 23
of this state for the exercise of any function of government. 24

(D) "Law enforcement agency" means a government entity 25
that employs peace officers to perform law enforcement duties. 26

(E) "Mass surveillance technology" means any technology or 27
device designed primarily to monitor, record, capture, or 28
analyze the movements, activities, associations, or identifying 29
characteristics of an individual in public spaces, including 30
cameras, sensors, biometric identification systems, facial 31
recognition systems, and gait recognition systems. 32

"Mass surveillance technology" does not include a camera 33
that is used solely for monitoring a specific and defined area 34
for immediate security purposes provided the camera is not 35
integrated with an identification or recognition database or 36
analytics system. 37

(F) "Peace officer" has the same meaning as in section 38
109.71 of the Revised Code and also includes the superintendent 39
and troopers of the state highway patrol. 40

(G) "Private person" means an individual, corporation, 41
business trust, estate, trust, partnership, unincorporated 42
association, limited liability company, two or more of any of 43
the foregoing having a joint or common interest, or any other 44
legal or commercial entity. 45

"Private person" does not mean an individual who is 46
employed by or contracted with a government entity while the 47

individual is acting in an official capacity on behalf of a 48
government entity. 49

Sec. 5507.02. (A) Except as provided in division (C) of 50
this section, no private person shall knowingly access, collect, 51
use, sell, transfer, or share any captured surveillance data. 52

(B) Except as provided in division (C) of this section, no 53
government entity shall knowingly access, collect, use, sell, 54
transfer, or share any captured surveillance data. 55

(C) Divisions (A) and (B) of this section do not apply to 56
any of the following: 57

(1) A law enforcement agency or peace officer accessing, 58
collecting, using, transferring, or sharing captured 59
surveillance data in the course of the agency or officer's law 60
enforcement activities; 61

(2) A private person or government entity accessing, 62
collecting, using, selling, transferring, or sharing captured 63
surveillance data within the course of normal business activity 64
and within the scope of the private person's normal duties and 65
employment or the government entity's normal activities, 66
including for insurance purposes or for regulating access to 67
private property; 68

(3) A private person or government entity accessing, 69
collecting, using, transferring, or sharing captured 70
surveillance data in accordance with a warrant, a court order, 71
or any other similar circumstance as authorized by law; 72

(4) The Ohio turnpike and infrastructure commission or 73
other toll project operator, as defined in section 5531.11 of 74
the Revised Code, operating a camera for toll collection on a 75
turnpike project, toll road, or toll bridge and any captured 76

surveillance data that originates from the camera if all of the 77
following apply: 78

(a) The camera and captured surveillance data are used 79
solely for the purpose of billing users of that toll road or 80
toll bridge by an electronic toll collection system or other 81
similar means. 82

(b) The camera and captured surveillance data comply with 83
the provisions specified in section 5531.148 or 5537.29 of the 84
Revised Code, as applicable. 85

(c) The camera and captured surveillance data are not 86
integrated with a law enforcement database or accessible to law 87
enforcement without a warrant. 88

(5) Traffic law photo-monitoring devices that are operated 89
in accordance with Chapter 4511. of the Revised Code or a 90
substantially equivalent municipal ordinance. 91

(D) No peace officer shall knowingly access, collect, use, 92
transfer, or share any captured surveillance data beyond the 93
scope of the peace officer's duties. 94

Sec. 5507.99. Whoever violates division (A) or (D) of 95
section 5507.02 of the Revised Code is guilty of a felony of the 96
fifth degree. 97

Section 2. This act shall be known as the Stop Flock Abuse 98
Act. 99