

P.L.2015, CHAPTER 23, *approved March 16, 2015*  
Senate, No. 2364 (*First Reprint*)

1 AN ACT concerning the use of surplus federal property transferred  
2 to local law enforcement agencies and supplementing chapter 5  
3 of Title 40A of the New Jersey Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. The Legislature finds and declares that:

9 a. Federal law permits the Secretary of the United States  
10 Department of Defense to transfer to federal and State agencies  
11 personal property of the Department of Defense that the secretary  
12 determines is suitable for use by agencies in law enforcement  
13 activities, including counterdrug and counterterrorism activities and  
14 is excess to the needs of the Department of Defense.

15 b. Informally known as the “1033 <sup>1</sup>**[Program]** program<sup>1</sup>,” this  
16 initiative allows local law enforcement agencies to obtain, at little  
17 or no cost and without the approval of the governing body of the  
18 local unit, surplus federal property, including aircraft, armored  
19 vehicles, automatic weapons, and night vision equipment originally  
20 intended for use by the United States Armed Forces.

21 c. According to the New Jersey Department of <sup>1</sup>Law and<sup>1</sup>  
22 Public Safety, the Office of Emergency Management has assisted  
23 with the transfer of over \$30 million in excess Department of  
24 Defense property to participating law enforcement agencies since  
25 the beginning of federal fiscal year 2014.

26 d. In this era of fiscal constraint, participation in the 1033  
27 program allows local units to obtain equipment that they might not  
28 otherwise be able to afford, and to prepare for, respond to, and  
29 recover from incidents of terrorism and natural disasters, such as  
30 hurricanes and severe floods.

31 e. Although equipment is provided through the 1033 program  
32 at no cost to county and municipal law enforcement agencies, these  
33 entities are responsible for costs associated with the maintenance,  
34 fueling<sup>1, 1</sup> and upkeep of this equipment, and for specialized training  
35 for its operation.

36 f. Recent events in Ferguson, Missouri, regarding the use of  
37 military equipment to respond to civil protest, have brought  
38 increased public scrutiny to the 1033 program and questions

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted December 11, 2014.

1 regarding those situations in which equipment obtained through the  
2 1033 program is utilized.

3 g. Taxpayers are the primary consumers and financiers of  
4 services provided by county and municipal law enforcement  
5 agencies and have the <sup>1</sup>~~rights~~ right<sup>1</sup> to be assured that their  
6 money is <sup>1</sup>~~being~~ spent in an efficient and effective manner <sup>1</sup>and  
7 the<sup>1</sup> right to know the purposes for which public funds are utilized.

8 h. It is not the Legislature's intent to deny county and  
9 municipal law enforcement agencies access to equipment vital to  
10 public safety and counterterrorism efforts, but elected civilian  
11 officials, such as mayors, municipal council members<sup>1,1</sup>, county  
12 executives, and county freeholders, are ultimately responsible for  
13 the supervision, policies, and budgetary decisions governing these  
14 entities.

15 i. Civilian officials are also responsible for the acquisition of  
16 equipment necessary for local law enforcement agencies to carry  
17 out their responsibilities, yet current law does not require that they  
18 formally approve such acquisitions through the 1033 program.

19 j. It is therefore appropriate to establish a system of local  
20 oversight for county and municipal law enforcement agencies that  
21 participate in and acquire equipment through the 1033 program and  
22 guidelines for the use of this equipment by those entities.

23  
24 2. a. An application for the enrollment of a county or  
25 municipal law enforcement agency in any program established by  
26 the United States Department of Defense pursuant to 10 U.S.C.  
27 s.2576a shall be approved by a resolution adopted by a majority of  
28 the full membership of the governing body of a local unit prior to  
29 the transmittal of any such application to the State Coordinator of  
30 any such program.

31 b. The acquisition of any property by a county or municipal  
32 law enforcement agency enrolled in any program established by the  
33 United States Department of Defense pursuant to 10 U.S.C. s.2576a  
34 shall be approved by a resolution adopted by a majority of the full  
35 membership of the governing body of a local unit.

36 c. As used in this section, "county or municipal law  
37 enforcement agency" means and includes, but is not limited to, a  
38 county or municipal police department or force, a county  
39 corrections department, and a county sheriff's office.

40  
41 3. This act shall take effect immediately.

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47 Requires local unit approval of applications for participation in  
federal 1033 program.