

SENATE, No. 2365

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED SEPTEMBER 18, 2014

Sponsored by:

Senator NIA H. GILL

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Senator LORETTA WEINBERG

District 37 (Bergen)

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District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Cunningham, Ruiz, Assemblymen Coughlin and Gusciora

SYNOPSIS

Requires AG oversight of transfer of federal surplus military equipment to local law enforcement agencies; establishes review and reporting requirement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/30/2015)

1 AN ACT concerning surplus federal government military equipment
2 transferred to local law enforcement agencies and supplementing
3 Title 52 of the Revised Statutes.

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

7
8 1. a. The Attorney General shall direct the Office of
9 Emergency Management to review the transfer of military
10 equipment made available to law enforcement agencies in this State
11 pursuant to the provisions of 10 U.S.C. s.2576a. The review shall
12 include, but not be limited to, a historical overview of the operation
13 of this federal program in this State and an analysis of the current
14 policies on the distribution of equipment and whether this
15 distribution correlates to the needs of the requesting law
16 enforcement agency. Based on the findings of this review, the
17 Attorney General, in consultation with the Superintendent of State
18 Police, the Director of the Division of Criminal Justice, and the
19 county prosecutors, shall determine if applicable policies,
20 procedures, and guidelines currently governing the program should
21 be revised.

22 b. Notwithstanding the appointment of the Office of
23 Emergency Management as state coordinator for the transfer of
24 military equipment pursuant to the provisions of 10 U.S.C. s.2576a,
25 the Attorney General shall directly oversee the transfer of military
26 equipment made available to law enforcement agencies under the
27 federal program. The Attorney General shall approve each
28 individual equipment transfer to a law enforcement agency.
29 Approval of a transfer shall be based on criteria developed by the
30 Attorney General which shall include, but not be limited to:

31 (1) a showing of a demonstrated need for the equipment by the
32 local law enforcement agency;

33 (2) a determination of whether specialized training is necessary
34 for safe usage of the equipment; and

35 (3) equipment storage and maintenance requirements.

36 c. The Attorney General shall annually report to the Governor
37 and, pursuant to section 2 of P.L.1991, c.164 (C:52:14-19.1), to the
38 President of the Senate and the Speaker of the General Assembly
39 the number of equipment transfers that were made, specifically
40 identifying each law enforcement agency which received the
41 equipment, the exact equipment received, and the purposes for
42 which the equipment will be used. If the State is suspended from
43 the program, the report also shall include the dates of and basis for
44 the suspension.

45
46 2. The Attorney General shall promulgate regulations pursuant
47 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
48 1 et seq.), as are necessary to effectuate the provisions of this act.

1 50 states. According to the Office of Emergency Management,
2 New Jersey has been participating in the program since at least
3 2003, with 124 law enforcement agencies receiving this surplus
4 equipment. From October 1, 2013 through September 11, 2014,
5 more than \$30 million worth of surplus equipment has been
6 transferred to New Jersey law enforcement agencies.

7 The use of free military equipment by law enforcement agencies
8 under the 1033 program has come under increased scrutiny since
9 military equipment was used in the police response to
10 demonstrations following the August 2014 tragedy in Ferguson,
11 Missouri. In light of these developments, the Attorney General, as
12 head of the State's Department of Law and Public Safety and as
13 chief law enforcement officer of this State under the Criminal
14 Justice Act of 1970, should directly oversee the operation of the
15 1033 program in this State.

16 Currently, information on certain equipment transferred to law
17 enforcement agencies is available by county, but not by
18 municipality. The bill's reporting requirement will bring more
19 transparency to the 1033 program by identifying the specific law
20 enforcement agencies that have obtained surplus military equipment
21 and the purpose for which it was obtained.