

H.8

Introduced by Representatives Ancel of Calais, Briglin of Thetford, Cole of Burlington, Deen of Westminster, Kitzmiller of Montpelier, Klein of East Montpelier, Krowinski of Burlington, Masland of Thetford, Mrowicki of Putney, O'Sullivan of Burlington, Ram of Burlington, Russell of Rutland City, Sharpe of Bristol, Sullivan of Burlington, Townsend of South Burlington, Yantachka of Charlotte, and Zagar of Barnard

Referred to Committee on

Date:

Subject: Public safety; internal security; property; equipment

Statement of purpose of bill as introduced: This bill proposes to authorize the Attorney General to oversee the transfer of military equipment to State and local law enforcement agencies pursuant to the federal program established in 10 U.S.C. § 2576a.

An act relating to the oversight of the transfer of military equipment to law enforcement agencies

It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 20 V.S.A. chapter 204 is added to read:

2 CHAPTER 204. LAW ENFORCEMENT USE OF  
3 MILITARY EQUIPMENT

4 § 4651. DEFINITIONS

5 As used in this chapter:

6 (1) "Law enforcement agency" means:

7 (A) the Department of Public Safety;

8 (B) a municipal police department;

9 (C) a sheriff's department;

10 (D) the Attorney General's Office;

11 (E) a State's Attorney's office; or

12 (F) the Capitol Police Department.

13 (2) "Military equipment" means personal property of the

14 U.S. Department of Defense, including small arms and ammunition, that

15 the U.S. Secretary of Defense determines is suitable for use by law

16 enforcement agencies for law enforcement activities pursuant to the federal

17 program established in 10 U.S.C. § 2576a.

18 § 4652. OVERSIGHT OF MILITARY EQUIPMENT TRANSFERS TO  
19 LAW ENFORCEMENT AGENCIES

20 Notwithstanding the appointment of the Adjutant and Inspector General as

21 State coordinator for the transfer of military equipment pursuant to the federal

1 program established in 10 U.S.C. § 2576a, the Attorney General shall directly  
2 oversee the transfer of military equipment to law enforcement agencies.

3 § 4653. APPROVAL OF MILITARY EQUIPMENT TRANSFERS

4 (a) A law enforcement agency shall not accept any transfer of military  
5 equipment pursuant to the federal program established in 10 U.S.C. § 2576a,  
6 except as provided in subsection (b) of this section.

7 (b) A law enforcement agency may accept a transfer of military equipment  
8 pursuant to the federal program established in 10 U.S.C. § 2576a if the transfer  
9 is approved by the Attorney General. The Attorney General shall develop  
10 criteria and procedures to approve any transfer of military equipment described  
11 in this subsection. The criteria shall include the following:

12 (1) a showing of a demonstrated need for the military equipment by the  
13 law enforcement agency;

14 (2) a determination of whether specialized training is necessary for safe  
15 use of the equipment; and

16 (3) an evaluation of equipment storage and maintenance requirements.

17 § 4654. ANNUAL REPORT

18 The Attorney General shall submit a written report to the General Assembly  
19 before January 15 of each year with the number of equipment transfers that  
20 were made pursuant to the federal program established in 10 U.S.C. § 2576a,  
21 the name of each law enforcement agency that received equipment, a

1 description of the equipment received, and the stated purpose for which the  
2 equipment will be used. The provisions of 2 V.S.A. § 20(d) (expiration of  
3 expired reports) shall not apply to the reports to be made under this section.

4 § 4655. RULE

5 The Attorney General may adopt by rule additional criteria and procedures  
6 for the transfer of military equipment to law enforcement agencies pursuant to  
7 the federal program established in 10 U.S.C. § 2576a, and any other rules as  
8 may be necessary to carry out the purposes of this chapter.

9 Sec. 2. REVIEW OF MILITARY EQUIPMENT TRANSFERS

10 (a) The Attorney General shall direct the Adjutant and Inspector General to  
11 conduct a review of the transfer of military equipment to law enforcement  
12 agencies pursuant to the federal program established in 10 U.S.C. § 2576a  
13 from July 1, 2005 to July 1, 2015, and submit a report to the General Assembly  
14 on or before September 15, 2015. The review shall include the following:

15 (1) a historical overview of the operation of the federal program in the  
16 State; and

17 (2) an analysis of the current policies on the distribution of equipment  
18 and whether this distribution correlates to the needs of a requesting law  
19 enforcement agency.

20 (b) On or before January 15, 2016, the Attorney General shall review the  
21 report described in subsection (a) of this section to determine whether

1     applicable State policies, procedures, and guidelines currently governing the  
2     transfer of military equipment to law enforcement agencies pursuant to the  
3     federal program established in 10 U.S.C. § 2576a should be revised.

4     Sec. 3. EFFECTIVE DATE

5     This act shall take effect on July 1, 2015.