

HOUSE BILL NO. 330

INTRODUCED BY N. SCHWADERER

1  
2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING STANDARDS AND LIMITS FOR LOCAL LAW  
5 ENFORCEMENT ACQUISITION AND USE OF CERTAIN EQUIPMENT; REQUIRING A LOCAL LAW  
6 ENFORCEMENT AGENCY TO PROVIDE CERTAIN INFORMATION ABOUT THE EQUIPMENT TO THE  
7 DEPARTMENT OF JUSTICE; REQUIRING THE DEPARTMENT TO MAINTAIN A WEBSITE CONTAINING THE  
8 INFORMATION; REQUIRING THE DEPARTMENT TO INVESTIGATE CERTAIN ALLEGATIONS OF MISUSE  
9 OR FAILURE TO COMPLY WITH PROCUREMENT REQUIREMENTS; AND REQUIRING THE DEPARTMENT  
10 TO REPORT TO THE LAW AND JUSTICE INTERIM COMMITTEE."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13  
14 **NEW SECTION. Section 1. Department to maintain website of certain property obtained by law**  
15 **enforcement agencies -- report to legislature.** (1) The department shall maintain a publicly accessible website  
16 containing the following information:

17 (a) a description of property obtained by law enforcement agencies through a military equipment surplus  
18 program operated by the federal government, including any property obtained by the law enforcement agency  
19 before [the effective date of this act];

20 (b) during any 30-day notice period required by [section 2(2)(d)], the name of the law enforcement agency  
21 that issued the required notice and a description of the property the law enforcement agency is seeking to  
22 acquire; and

23 (c) the information required pursuant to [section 2(2)].

24 (2) The department shall report to the law and justice interim committee by December 31 of each year,  
25 including information concerning investigations it conducted pursuant to [section 2(3)] and reports it received  
26 pursuant to [section 2(4)].

27  
28 **NEW SECTION. Section 2. Limitations on excess property provided to local law enforcement --**  
29 **certifications -- investigation -- report -- definitions.** (1) A law enforcement agency may not receive the  
30 following property from a military equipment surplus program operated by the federal government:

- 1 (a) automatic weapons not generally recognized as suitable for law enforcement purposes;  
2 (b) drones that are armored, weaponized, or both;  
3 (c) aircraft that:  
4 (i) are combat configured or combat coded; or  
5 (ii) have no established commercial flight application;  
6 (d) grenades or similar explosives, including but not limited to flash-bang grenades, stun grenades, and  
7 grenade launchers;  
8 (e) silencers;  
9 (f) long-range acoustic devices; or  
10 (g) tanks or tanklike vehicles.
- 11 (2) If a law enforcement agency receives property from a military equipment surplus program operated  
12 by the federal government, the law enforcement agency shall submit to the department of justice:
- 13 (a) a certification that the law enforcement agency has the personnel and technical capacity, including  
14 training, to operate the property;  
15 (b) an explanation of how the law enforcement agency expects to use the property;  
16 (c) a certification that if the law enforcement agency determines that the property is surplus to the  
17 agency's needs, the agency will return the property to the department of defense or otherwise decommission the  
18 property; and  
19 (d) a certification that before acquiring the property, the law enforcement agency notified the local  
20 community and the department of justice of the request for property by:  
21 (i) publishing a notice of the request on a publicly accessible website;  
22 (ii) posting a notice at several prominent locations in the law enforcement agency's jurisdiction; and  
23 (iii) ensuring that the notices were available to the local community and the department of justice for a  
24 period of not less than 30 days before the request was submitted.
- 25 (3) The department of justice shall investigate allegations that a law enforcement agency failed to comply  
26 with the provisions of this section or any other local or state procurement procedure. If the department of justice  
27 finds the law enforcement agency failed to comply with this section or any other local or state procurement  
28 procedure, the department of justice shall confiscate the property and either return the property to the department  
29 of defense or ensure that the property is decommissioned.
- 30 (4) A law enforcement agency that owns or receives property from a military equipment surplus program

1 operated by the federal government shall:

2 (a) within 6 months of [the effective date of this act], inventory the property it has in its possession and  
3 report to the department of justice about the number, type, and use of the property;

4 (b) by November 20 of each year, report to the department of justice any changes to the inventory made  
5 after the initial report required by subsection (4)(a); and

6 (c) provide any information required by the department of justice to maintain the website established  
7 pursuant to [section 1].

8 (5) For the purposes of this section, the following definitions apply:

9 (a) "Department of justice" means the department established in 2-15-2001.

10 (b) "Law enforcement agency" means a law enforcement service provided by a local government as  
11 authorized in Title 7, chapter 32.

12

13 NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an  
14 integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20, apply to [section 1].

15 (2) [Section 2] is intended to be codified as an integral part of Title 7, chapter 32, and the provisions of  
16 Title 7, chapter 32, apply to [section 2].

17

- END -