

HOUSE BILL NO. 330

INTRODUCED BY N. SCHWADERER

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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 TO MAKE INFORMATION ABOUT THE EQUIPMENT AVAILABLE ON ITS WEBSITE;~~
9 ~~REQUIRING THE DEPARTMENT TO INVESTIGATE CERTAIN ALLEGATIONS OF MISUSE OR FAILURE TO~~
10 ~~COMPLY WITH PROCUREMENT REQUIREMENTS; AND REQUIRING THE DEPARTMENT TO REPORT TO~~
11 ~~THE LAW AND JUSTICE INTERIM COMMITTEE~~ PUBLIC NOTIFICATION."

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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

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

24 ~~(c) the information required pursuant to [section 2(2)].~~ ON AN ANNUAL BASIS, THE DEPARTMENT SHALL POST
25 A LINK ON ITS WEBSITE TO A COMMA-SEPARATED VALUE FILE LISTING PROPERTY OBTAINED BY LAW ENFORCEMENT
26 AGENCIES AFTER [THE EFFECTIVE DATE OF THIS ACT] FROM THE MILITARY EQUIPMENT SURPLUS PROGRAM OPERATED BY
27 THE FEDERAL GOVERNMENT.

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



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2 ~~NEW SECTION. Section 2. Limitations on excess property provided to local law enforcement --~~

3 ~~certifications -- investigation -- report -- definitions.~~ (1) A law enforcement agency may not receive the

4 following property from a military equipment surplus program operated by the federal government:

5 ~~(a) automatic weapons not generally recognized as suitable for law enforcement purposes;~~

6 ~~(b)(A) drones that are armored, weaponized, or both;~~

7 ~~(c)(B) aircraft that:~~

8 ~~(i) are combat configured or combat coded; or~~

9 ~~(ii) have no established commercial flight application ARE COMBAT CONFIGURED OR COMBAT CODED;~~

10 ~~(d)(C) grenades or similar explosives, including but not limited to flash-bang grenades, stun grenades,~~

11 ~~and grenade launchers;~~

12 ~~(e)(D) silencers;~~

13 ~~(f)(E) long-range acoustic devices; or~~

14 ~~(g)(F) tanks or tanklike vehicles.~~

15 (2) If a law enforcement agency receives property from a military equipment surplus program operated

16 by the federal government, the law enforcement agency shall submit to the department of justice:

17 ~~(a) a certification that the law enforcement agency has the personnel and technical capacity, including~~

18 ~~training, to operate the property;~~

19 ~~(b) an explanation of how the law enforcement agency expects to use the property;~~

20 ~~(c) a certification that if the law enforcement agency determines that the property is surplus to the~~

21 ~~agency's needs, the agency will return the property to the department of defense or otherwise decommission the~~

22 ~~property; and~~

23 ~~(d) a certification that before acquiring the property, the law enforcement agency notified the local~~

24 ~~community and the department of justice of the request for property by:~~

25 ~~(i) publishing a notice of the request on a publicly accessible website; AND~~

26 ~~(ii) posting a notice at several prominent locations in the law enforcement agency's jurisdiction; and~~

27 ~~(iii)(ii) ensuring that the notices were available to the local community and the department of justice for~~

28 ~~a period of not less than 30 days before AFTER the request was submitted.~~

29 ~~(3) The department of justice shall investigate allegations that a law enforcement agency failed to comply~~

30 ~~with the provisions of this section or any other local or state procurement procedure. If the department of justice~~

1 finds the law enforcement agency failed to comply with this section or any other local or state procurement
2 procedure, the department of justice shall confiscate the property and either return the property to the department
3 of defense or ensure that the property is decommissioned.

4 ~~———— (4) A law enforcement agency that owns or receives property from a military equipment surplus program
5 operated by the federal government shall:~~

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

8 ~~———— (b)(A) by November 20 of each year, report to the department of justice any changes to the inventory
9 made after the initial report required by subsection (4)(a) DURING THE 12-MONTH PERIOD BEGINNING OCTOBER 1 OF
10 THE PREVIOUS YEAR AND ENDING ON SEPTEMBER 30 OF THE CURRENT YEAR; and~~

11 ~~———— (c)(B) provide any information required by the department of justice to maintain the website established
12 pursuant to [section 1].~~

13 ~~———— (5) For the purposes of this section, the following definitions apply:~~

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

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

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18 **NEW SECTION. SECTION 1. LIMITATIONS ON EXCESS PROPERTY PROVIDED TO LOCAL LAW ENFORCEMENT --**

19 **DEFINITIONS. (1) A LAW ENFORCEMENT AGENCY MAY NOT RECEIVE THE FOLLOWING PROPERTY FROM A MILITARY**
20 **EQUIPMENT SURPLUS PROGRAM OPERATED BY THE FEDERAL GOVERNMENT:**

21 **(A) DRONES THAT ARE ARMORED, WEAPONIZED, OR BOTH;**

22 **(B) AIRCRAFT THAT ARE COMBAT CONFIGURED OR COMBAT CODED;**

23 **(C) GRENADES OR SIMILAR EXPLOSIVES, INCLUDING BUT NOT LIMITED TO FLASH-BANG GRENADES, STUN**
24 **GRENADES, AND GRENADE LAUNCHERS;**

25 **(D) SILENCERS; OR**

26 **(E) LONG-RANGE ACOUSTIC DEVICES; OR**

27 **(F)(E) MILITARIZED ARMORED VEHICLES.**

28 **(2) FOR PURPOSES OF THIS SECTION, "LAW ENFORCEMENT AGENCY" MEANS A LAW ENFORCEMENT SERVICE**
29 **PROVIDED BY A LOCAL GOVERNMENT AS AUTHORIZED IN TITLE 7, CHAPTER 32.**

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1 NEW SECTION. SECTION 2. PUBLIC NOTIFICATION. IF A LAW ENFORCEMENT AGENCY REQUESTS PROPERTY
 2 FROM A MILITARY EQUIPMENT SURPLUS PROGRAM, THE LAW ENFORCEMENT AGENCY SHALL PUBLISH A NOTICE OF THE
 3 REQUEST ON A PUBLICLY ACCESSIBLE WEBSITE WITHIN 60 DAYS AFTER THE REQUEST.

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 5 NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an
 6 integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20, apply to [section 1].
 7 ———(2) [Section 2] is [SECTIONS 1 AND 2] ARE intended to be codified as an integral part of Title 7, chapter 32,
 8 and the provisions of Title 7, chapter 32, apply to [section 2] [SECTIONS 1 AND 2].

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