

House Bill 3243

Sponsored by Representatives GORSEK, PILUSO

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits law enforcement agency from receiving certain equipment from military surplus equipment program operated by federal government. Requires law enforcement agency to notify Department of Justice of request for permissible equipment. Directs department to adopt rules related to law enforcement agency equipment acquisition.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to law enforcement agency equipment; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) "Law enforcement agency" has the meaning given the term in ORS 181A.010.

6 (b) "Military surplus equipment program" means a military surplus equipment program
7 operated by the federal government.

8 (2) A law enforcement agency may not receive, use or maintain the following equipment
9 from a military surplus equipment program:

10 (a) Automatic weapons not generally used or recognized as suitable for law enforcement
11 purposes;

12 (b) Drones, as defined in ORS 498.128, that are armored or weaponized;

13 (c) Aircraft that:

14 (A) Are combat configured or combat coded; or

15 (B) Do not have established commercial flight application;

16 (d) Grenades or similar explosives, including flash-bang grenades, stun grenades and
17 grenade launchers;

18 (e) Firearms silencers, as defined in ORS 166.210;

19 (f) Long-range acoustic devices; or

20 (g) Tanks or similar vehicles.

21 (3) A law enforcement agency may request equipment not listed in subsection (2) of this
22 section from a military surplus equipment program if, at least 30 days prior to making the
23 request, the law enforcement agency publishes a copy of the request on a publicly accessible
24 website operated by or on behalf of the law enforcement agency and submits a copy of the
25 request to the Department of Justice.

26 (4) A law enforcement agency that receives equipment from a military surplus equipment
27 program shall provide to the department:

28 (a) Certification that the law enforcement agency has the personnel and technical ca-
29 pacity to use or operate the equipment;

30 (b) The expected use of the equipment; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Certification that the law enforcement agency will return the equipment to the mili-
2 tary surplus equipment program or decommission the equipment if the law enforcement
3 agency determines that the equipment is unnecessary to the law enforcement agency.

4 (5) A law enforcement agency that has or receives equipment from a military surplus
5 equipment program shall inventory the equipment within 30 days of receipt of the equipment
6 and shall submit copies of the law enforcement agency's inventory to the department as re-
7 quired by the department by rule.

8 (6) The department shall investigate allegations that a law enforcement agency obtained
9 equipment in violation of this section. If the department finds that a law enforcement agency
10 obtained equipment in violation of this section, the department shall confiscate the equip-
11 ment and return the equipment to the military surplus equipment program or decommission
12 the equipment.

13 (7) The department shall adopt rules to carry out the provisions of this section.

14 SECTION 2. (1) Section 1 of this 2017 Act becomes operative on January 1, 2018.

15 (2) The Department of Justice may take any action before the operative date specified in
16 subsection (1) of this section that is necessary to enable the department to exercise, on or
17 after the operative date specified in subsection (1) of this section, all of the duties, functions
18 and powers conferred on the department by section 1 of this 2017 Act.

19 SECTION 3. This 2017 Act being necessary for the immediate preservation of the public
20 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
21 on its passage.

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