

HOUSE BILL 1236

By Jones

AN ACT to amend Tennessee Code Annotated, Title 38,
Chapter 8, relative to law enforcement agencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the "Demilitarization of Police Act."

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 8, is amended by adding the following section as a new part:

(a) If a state or local law enforcement agency within this state seeks to acquire property through a United States department of defense program, pursuant to 10 U.S.C. § 2576a, or a "firearm," as that term is defined in 26 U.S.C. § 5845, including, but not limited to, machine guns, armored vehicles, night vision scopes, camouflage fatigues, and flash bang grenades, the agency shall first provide at least ninety (90) days' written notice to:

(1) The joint government operations committee of the house of representatives and the senate if the agency is a state law enforcement agency. Upon receiving the notice, the joint government operations committee shall make a recommendation to the department of safety as to whether to approve or disapprove the request, in whole or in part, as soon as practicable. The department shall review the notice and recommendation as soon as practicable, and may approve the request in whole or in part; or

(2) If the agency is a local law enforcement agency, the governing body of the jurisdiction that funds the agency. Upon receiving notice, the governing body shall approve or disapprove the request in whole or in part by adoption of a resolution as soon as practicable.

(b) On or before October 1, 2023, each law enforcement agency shall create an inventory of all property that the agency has acquired through a United States department of defense program, pursuant to 10 U.S.C. § 2576a and still possesses, and each "firearm," as that term is defined in 26 U.S.C. § 5845, including, but not limited to, machine guns, armored vehicles, night vision scopes, camouflage fatigues, and flash bang grenades, that the agency possesses. For each item in the inventory, the agency shall describe the demonstrated need for the agency to possess that property, the training that is provided for officers to use that property, and the annual storage and maintenance costs to keep the property. If the law enforcement agency is:

(1) A state law enforcement agency, then the inventory report must be submitted to the joint government operations committee of the house of representatives and the senate. Upon receiving the inventory, the joint government operations committee shall make a recommendation to the department of safety as to whether to approve or disapprove the inventory, in whole or in part, as soon as practicable. The department shall review the inventory and recommendation as soon as practicable, and may approve the inventory in whole or in part; and

(2) A local law enforcement agency, then the inventory report must be submitted to the governing body of the jurisdiction that funds the agency. The governing body shall review the inventory as soon as practicable and may approve or disapprove the inventory in whole or in part by the adoption of a resolution.

(c) Notwithstanding a private act or charter provision to the contrary, inventory disapproved for use under subsection (b) must be transferred to the department of general services for disposal in accordance with the State Surplus Personal Property Act

of 1976, compiled in title 12, chapter 2, part 4, and specifically in accordance with § 12-2-403(b) and applicable federal law.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.