

Amendment No. 1 to SB0887

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 887*

House Bill No. 1034

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 3, is amended by adding the following as a new, appropriately designated section:

(a)

(1) On or after the effective date of this act, before a local law enforcement agency may acquire military equipment:

(A) The agency's chief law enforcement officer shall prepare and submit in writing the following to the local legislative body appropriate for the agency's jurisdiction:

(i) A request to acquire military equipment that includes the type and amount of military equipment sought and an explanation of need for each military equipment item;

(ii) The expected or actual costs to receive the military equipment;

(iii) A protocol describing when and how the military equipment is to be used by the agency, including training and any restrictions on use;

(iv) A maintenance plan for the military equipment, including a maintenance budget; and

(v) A disposition plan for any future decommissioning, disposal, or return of the military equipment; and

(B)

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(i) The acquisition request must be approved by a majority vote of the local legislative body.

(ii) If the local legislative body is not scheduled to meet between the time the request is submitted to the local legislative body and the time required by the 1033 Program for taking possession of the military equipment, then the local law enforcement agency shall not use the military equipment and shall lawfully dispose of or return the military equipment unless the acquisition request is approved within thirty (30) days of the request being submitted to the local legislative body.

(2) The chief law enforcement officer of a local law enforcement agency that acquires or possesses military equipment shall, regardless of the date of acquisition:

(A) Establish the following in writing for any military equipment:

(i) A protocol describing when and how the military equipment is to be used by the agency, including training and any restrictions on use;

(ii) A maintenance plan for the military equipment, including a maintenance budget; and

(iii) A disposition plan for any future decommissioning, disposal, or return of the military equipment; and

(B) Annually report the following to the local legislative body appropriate for the agency's jurisdiction:

(i) An inventory of military equipment acquired or possessed by the agency, including an audit trail;

(ii) How and when 1033 Program vehicles and aircraft were used by the agency during the prior fiscal year;

(iii) Operating and maintenance costs of the military equipment for the prior fiscal year; and

(iv) Any changes or updates to military equipment maintenance or disposition plans or military equipment use protocols.

(b)

(1) The director, commissioner, or chief law enforcement officer of a state law enforcement agency that acquires or possesses military equipment shall establish the following in writing:

(A) A protocol describing when and how the military equipment is to be used by the agency, including training and any restrictions on use;

(B) A maintenance plan for the military equipment, including a maintenance budget; and

(C) A disposition plan for any future decommissioning, disposal, or return of the military equipment.

(2) The director, commissioner, or chief law enforcement officer of a state law enforcement agency that acquires or possesses military equipment shall report the following information to the governor and the chairs of the judiciary and state and local committees of the senate and the civil justice and state committees of the house of representatives by March 1 annually:

(A) The number and type of 1033 Program vehicles and aircraft possessed by the agency, including the number and type of vehicles and aircraft acquired during the prior fiscal year;

(B) How and when 1033 Program vehicles and aircraft were used by the agency during the prior fiscal year; and

(C) Operating and maintenance costs of 1033 Program vehicles and aircraft for the prior fiscal year.

(c)

(1) No law enforcement agency established pursuant to § 49-7-118 shall be eligible to acquire or possess military equipment.

(2) The only state law enforcement agencies authorized to acquire or possess 1033 Program armored vehicles are the department of safety and the Tennessee bureau of investigation.

(d) This section shall not apply to:

(1) The military department when acting under an executive order of the governor;

(2) The use of unarmed Tennessee national guard vehicles in conjunction with law enforcement drug enforcement operations or purposes; or

(3) The use of any military vehicle or military aircraft by the Tennessee national guard counterdrug division.

(e) For purposes of this section:

(1) "1033 Program" means the department of defense excess property program authorized under § 1033 of the National Defense Authorization Act for Fiscal Year 1997, codified in 10 U.S.C. § 2576a, as amended, and managed through the defense logistic agency's law enforcement support office;

(2) "Law enforcement agency" means a governmental unit of one (1) or more persons employed full-time or part-time by the state government, or a

political subdivision of the state, for the purpose of preventing and detecting crime and enforcing laws or local ordinances and the employees of which are authorized to make arrests for crimes while acting within the scope of their authority; and

(3) "Military equipment" means the following equipment obtained pursuant to the 1033 Program:

- (A) Aircraft;
- (B) Armored vehicles;
- (C) Firearms or other weapons;
- (D) Tactical vehicles; and
- (E) Watercraft.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.