

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 13

(Senator Simonaire)

Judicial Proceedings

**Public Safety - Department of State Police - Transfer of Surplus Military
Property**

This bill requires the “State Coordinator” for the Department of State Police (DSP) to notify the Senate and House delegation chairs for the area or areas within which a law enforcement agency has jurisdiction within 15 days after the law enforcement agency submits a request for, and within 7 days after receiving notification that the law enforcement agency will be awarded (1) an armored vehicle; (2) a destructive device; (3) a firearm; (4) a high mobility multipurpose wheeled vehicle; or (5) a bayonet or combat knife.

Fiscal Summary

State Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None. The change is procedural in nature and does not directly affect governmental finances.

Small Business Effect: None.

Analysis

Bill Summary: The “State Coordinator” means the representative of DSP who acts as the liaison between the State and the U.S. Department of Defense for the purpose of transferring surplus U.S. Department of Defense property to law enforcement agencies under the National Defense Authorization Act (NDAA) of Fiscal Year 1997.

Current Law/Background: NDAA specifies the budget and expenditures of the U.S. Department of Defense (DOD). The authorization bill determines the agencies responsible for defense, establishes funding levels, and sets the policies under which money will be spent. In the NDAA for federal fiscal 1990 and 1991, the U.S. Congress authorized the transfer of excess DOD personal property to federal and state agencies for use in counter-drug activities. The U.S. Congress later passed the NDAA for federal fiscal 1997, in which Section 1033 granted permanent authorization for all law enforcement agencies to acquire property for bona fide law enforcement purposes, especially counter-drug and counter-terrorism activities. The program is commonly referred to as the “1033 Program.”

The 1033 Program is administered by the Law Enforcement Support Office (LESO) of the Defense Logistics Agency (DLA). Under it, local and state law enforcement agencies may apply to DLA to participate. DLA requires the governor of each state to appoint a state 1033 Program coordinator, who is responsible for ensuring that the program is properly administered within the state and that appropriate property records are maintained. Approved agencies may request material from DLA through the state coordinator. The LESO retains final approval authority over the types and quantities of material transferred from DOD excess stocks to the agencies. Any material requiring demilitarization before being released to the public must be returned to DLA when no longer needed by the receiving law enforcement agency.

According to LESO, more than 8,000 law enforcement agencies are enrolled in the 1033 Program. Since its inception, the program has transferred more than \$5.4 billion worth of property. In 2014, \$980 million worth of property (based on initial acquisition cost) was transferred to law enforcement agencies. In May 2015, President Barack Obama ordered that certain items no longer be allowed under the 1033 Program, citing images of militarized policing in Ferguson, Missouri and Baltimore City. Prohibited items include (1) tracked armored vehicles; (2) weaponized aircraft, vessels, and vehicles of any kind; (3) firearms and ammunition of .50 caliber or higher; (4) grenade launchers; (5) bayonets; and (6) camouflage uniforms.

In Maryland, the 1033 Program is administered through DSP. Currently, 77 law enforcement agencies and DSP participate in the program. The State Coordinator keeps an inventory of all property in the State under the program and regularly audits the inventory electronically and in person. At the beginning of calendar 2016, law enforcement agencies in the State were in possession of approximately \$8 million worth of property received through LESO.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Congressional Research Service, Defense Logistics Agency, Department of Legislative Services

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md/lgc

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