



**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Assembly oks tighter controls for cop military gear," The Star-Ledger, 1-30-15.

LAW/RWH

P.L.2015, CHAPTER 23, *approved March 16, 2015*  
Senate, No. 2364 (*First Reprint*)

1 AN ACT concerning the use of surplus federal property transferred  
2 to local law enforcement agencies and supplementing chapter 5  
3 of Title 40A of the New Jersey Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. The Legislature finds and declares that:

9 a. Federal law permits the Secretary of the United States  
10 Department of Defense to transfer to federal and State agencies  
11 personal property of the Department of Defense that the secretary  
12 determines is suitable for use by agencies in law enforcement  
13 activities, including counterdrug and counterterrorism activities and  
14 is excess to the needs of the Department of Defense.

15 b. Informally known as the “1033 <sup>1</sup>**[Program]** program<sup>1</sup>,” this  
16 initiative allows local law enforcement agencies to obtain, at little  
17 or no cost and without the approval of the governing body of the  
18 local unit, surplus federal property, including aircraft, armored  
19 vehicles, automatic weapons, and night vision equipment originally  
20 intended for use by the United States Armed Forces.

21 c. According to the New Jersey Department of <sup>1</sup>Law and<sup>1</sup>  
22 Public Safety, the Office of Emergency Management has assisted  
23 with the transfer of over \$30 million in excess Department of  
24 Defense property to participating law enforcement agencies since  
25 the beginning of federal fiscal year 2014.

26 d. In this era of fiscal constraint, participation in the 1033  
27 program allows local units to obtain equipment that they might not  
28 otherwise be able to afford, and to prepare for, respond to, and  
29 recover from incidents of terrorism and natural disasters, such as  
30 hurricanes and severe floods.

31 e. Although equipment is provided through the 1033 program  
32 at no cost to county and municipal law enforcement agencies, these  
33 entities are responsible for costs associated with the maintenance,  
34 fueling<sup>1, 1</sup> and upkeep of this equipment, and for specialized training  
35 for its operation.

36 f. Recent events in Ferguson, Missouri, regarding the use of  
37 military equipment to respond to civil protest, have brought  
38 increased public scrutiny to the 1033 program and questions

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted December 11, 2014.

1 regarding those situations in which equipment obtained through the  
2 1033 program is utilized.

3 g. Taxpayers are the primary consumers and financiers of  
4 services provided by county and municipal law enforcement  
5 agencies and have the **'[rights] right'** to be assured that their  
6 money is **'[being]'** spent in an efficient and effective manner **'and**  
7 **the'** right to know the purposes for which public funds are utilized.

8 h. It is not the Legislature's intent to deny county and  
9 municipal law enforcement agencies access to equipment vital to  
10 public safety and counterterrorism efforts, but elected civilian  
11 officials, such as mayors, municipal council members<sup>1,1</sup>, county  
12 executives, and county freeholders, are ultimately responsible for  
13 the supervision, policies, and budgetary decisions governing these  
14 entities.

15 i. Civilian officials are also responsible for the acquisition of  
16 equipment necessary for local law enforcement agencies to carry  
17 out their responsibilities, yet current law does not require that they  
18 formally approve such acquisitions through the 1033 program.

19 j. It is therefore appropriate to establish a system of local  
20 oversight for county and municipal law enforcement agencies that  
21 participate in and acquire equipment through the 1033 program and  
22 guidelines for the use of this equipment by those entities.

23  
24 2. a. An application for the enrollment of a county or  
25 municipal law enforcement agency in any program established by  
26 the United States Department of Defense pursuant to 10 U.S.C.  
27 s.2576a shall be approved by a resolution adopted by a majority of  
28 the full membership of the governing body of a local unit prior to  
29 the transmittal of any such application to the State Coordinator of  
30 any such program.

31 b. The acquisition of any property by a county or municipal  
32 law enforcement agency enrolled in any program established by the  
33 United States Department of Defense pursuant to 10 U.S.C. s.2576a  
34 shall be approved by a resolution adopted by a majority of the full  
35 membership of the governing body of a local unit.

36 c. As used in this section, "county or municipal law  
37 enforcement agency" means and includes, but is not limited to, a  
38 county or municipal police department or force, a county  
39 corrections department, and a county sheriff's office.

40  
41 3. This act shall take effect immediately.

42  
43  
44  
45  
46 Requires local unit approval of applications for participation in  
47 federal 1033 program.

# SENATE, No. 2364

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED SEPTEMBER 18, 2014

**Sponsored by:**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**SYNOPSIS**

Requires local unit approval of applications for participation in federal 1033 program.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/19/2014)**

1 AN ACT concerning the use of surplus federal property transferred  
2 to local law enforcement agencies and supplementing chapter 5  
3 of Title 40A of the New Jersey Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislature finds and declares that:

9 a. Federal law permits the Secretary of the United States  
10 Department of Defense to transfer to federal and State agencies  
11 personal property of the Department of Defense that the secretary  
12 determines is suitable for use by agencies in law enforcement  
13 activities, including counterdrug and counterterrorism activities and  
14 is excess to the needs of the Department of Defense.

15 b. Informally known as the “1033 Program,” this initiative  
16 allows local law enforcement agencies to obtain, at little or no cost  
17 and without the approval of the governing body of the local unit,  
18 surplus federal property, including aircraft, armored vehicles,  
19 automatic weapons, and night vision equipment originally intended  
20 for use by the United States Armed Forces.

21 c. According to the New Jersey Department of Public Safety,  
22 the Office of Emergency Management has assisted with the transfer  
23 of over \$30 million in excess Department of Defense property to  
24 participating law enforcement agencies since the beginning of  
25 federal fiscal year 2014.

26 d. In this era of fiscal constraint, participation in the 1033  
27 program allows local units to obtain equipment that they might not  
28 otherwise be able to afford, and to prepare for, respond to, and  
29 recover from incidents of terrorism and natural disasters, such as  
30 hurricanes and severe floods.

31 e. Although equipment is provided through the 1033 program  
32 at no cost to county and municipal law enforcement agencies, these  
33 entities are responsible for costs associated with the maintenance,  
34 fueling and upkeep of this equipment, and for specialized training  
35 for its operation.

36 f. Recent events in Ferguson, Missouri, regarding the use of  
37 military equipment to respond to civil protest, have brought  
38 increased public scrutiny to the 1033 program and questions  
39 regarding those situations in which equipment obtained through the  
40 1033 program is utilized.

41 g. Taxpayers are the primary consumers and financiers of  
42 services provided by county and municipal law enforcement  
43 agencies and have the rights to be assured that their money is being  
44 spent in an efficient and effective manner right to know the  
45 purposes for which public funds are utilized.

46 h. It is not the Legislature’s intent to deny county and  
47 municipal law enforcement agencies access to equipment vital to  
48 public safety and counterterrorism efforts, but elected civilian

1 officials, such as mayors, municipal council members county  
2 executives, and county freeholders, are ultimately responsible for  
3 the supervision, policies, and budgetary decisions governing these  
4 entities.

5 i. Civilian officials are also responsible for the acquisition of  
6 equipment necessary for local law enforcement agencies to carry  
7 out their responsibilities, yet current law does not require that they  
8 formally approve such acquisitions through the 1033 program.

9 j. It is therefore appropriate to establish a system of local  
10 oversight for county and municipal law enforcement agencies that  
11 participate in and acquire equipment through the 1033 program and  
12 guidelines for the use of this equipment by those entities.

13

14 2. a. An application for the enrollment of a county or  
15 municipal law enforcement agency in any program established by  
16 the United States Department of Defense pursuant to 10 U.S.C.  
17 s.2576a shall be approved by a resolution adopted by a majority of  
18 the full membership of the governing body of a local unit prior to  
19 the transmittal of any such application to the State Coordinator of  
20 any such program.

21 b. The acquisition of any property by a county or municipal  
22 law enforcement agency enrolled in any program established by the  
23 United States Department of Defense pursuant to 10 U.S.C. s.2576a  
24 shall be approved by a resolution adopted by a majority of the full  
25 membership of the governing body of a local unit.

26 c. As used in this section, "county or municipal law  
27 enforcement agency" means and includes, but is not limited to, a  
28 county or municipal police department or force, a county  
29 corrections department, and a county sheriff's office.

30

31 3. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 The federal 1033 program permits the Secretary of Defense to  
37 transfer to State and local agencies personal property of the United  
38 States Department of Defense, that the secretary determines is  
39 suitable for use by agencies in law enforcement activities, including  
40 counterdrug and counterterrorism activities, and is excess to the  
41 needs of the Department of Defense. The authority granted to the  
42 secretary has been delegated to the Defense Logistics Agency  
43 (DLA), which determines whether property is suitable for use by  
44 agencies in local law enforcement activities.

45 The Office of Emergency Management in the New Jersey State  
46 Police serves as State Coordinator for local (county and municipal)  
47 law enforcement agencies that participate, or seek to enroll, in the  
48 1033 program. As the program currently operates, local law

**S2364 GILL, WEINBERG**

4

1 enforcement agencies must request enrollment through the State  
2 Coordinator and the DLA Law Enforcement Support Office. If  
3 enrollment is approved, the law enforcement agency must sign a  
4 memorandum of agreement with the State Coordinator agreeing to  
5 the terms and conditions of the 1033 program. The acquisition of  
6 property through the 1033 program or the transfer between law  
7 enforcement agencies of property obtained through the 1033  
8 program must also be approved by State and local authorities. The  
9 program procedures do not require local law enforcement officials  
10 to obtain the approval of the governing body of a local unit before  
11 submitting an application to enroll in, or acquire property, through  
12 the 1033 program.

13 This bill requires an application for the enrollment of a county or  
14 municipal law enforcement agency in the 1033 program to be  
15 approved by a resolution adopted by a majority of the full  
16 membership of the governing body prior to the submission of an  
17 application to the State Coordinator. This legislation also requires  
18 the actual acquisition of property through the 1033 program to be  
19 approved by a resolution adopted by the full membership of the  
20 governing body.

21 The sponsor believes that local elected officials should be  
22 required to approve the participation of county and municipal law  
23 enforcement agencies in a program through which property,  
24 originally intended for use by the United States military, may be  
25 obtained and to approve the acquisition of such property. Increased  
26 local oversight of the 1033 program will help ensure that local law  
27 enforcement agencies obtain equipment necessary and appropriate  
28 for the execution of their responsibilities, and that it is used  
29 responsibly.



# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2364**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 11, 2014

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2364.

As amended and reported by the committee, Senate Bill No. 2364 requires local approval of applications for surplus Department of Defense military equipment under the federal 1033 program.

The federal 1033 program permits the Secretary of Defense to transfer to State and local agencies personal property of the United States Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities, including counterdrug and counterterrorism activities, and is excess to the needs of the Department of Defense. The authority granted to the secretary has been delegated to the Defense Logistics Agency (DLA), which determines whether property is suitable for use by agencies in local law enforcement activities.

The Office of Emergency Management in the New Jersey Division of State Police serves as State Coordinator for local (county and municipal) law enforcement agencies that participate, or seek to enroll, in the 1033 program. As the program currently operates, local law enforcement agencies must request enrollment through the State Coordinator and the DLA Law Enforcement Support Office. If enrollment is approved, the law enforcement agency is required to sign a memorandum of agreement with the State Coordinator agreeing to the terms and conditions of the 1033 program. The acquisition of property through the 1033 program or the transfer between law enforcement agencies of property obtained through the 1033 program also must be approved by State and local authorities. The program procedures do not require local law enforcement officials to obtain the approval of the governing body of a local unit before submitting an application to enroll in, or acquire property, through the 1033 program.

The amended bill requires an application for the enrollment of a county or municipal law enforcement agency in the 1033 program to be approved by a resolution adopted by a majority of the full membership of the governing body prior to the submission of an application to the State Coordinator. This legislation also requires the actual acquisition of property through the 1033 program to be

approved by a resolution adopted by the full membership of the governing body.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2364**

# **STATE OF NEW JERSEY**

DATED: JANUARY 12, 2015

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 2364 (1R).

Senate Bill No. 2364 (1R) requires local approval of applications for surplus Department of Defense military equipment under the federal 1033 program.

The federal 1033 program permits the Secretary of Defense to transfer to State and local agencies personal property of the United States Department of Defense that the secretary determines is suitable for use by agencies in law enforcement activities, including counterdrug and counterterrorism activities, and is excess to the needs of the Department of Defense. The authority granted to the secretary has been delegated to the Defense Logistics Agency (DLA), which determines whether property is suitable for use by agencies in local law enforcement activities.

The Office of Emergency Management in the New Jersey Division of State Police serves as State Coordinator for local (county and municipal) law enforcement agencies that participate, or seek to enroll, in the 1033 program. As the program currently operates, local law enforcement agencies must request enrollment through the State Coordinator and the DLA Law Enforcement Support Office. If enrollment is approved, the law enforcement agency is required to sign a memorandum of agreement with the State Coordinator agreeing to the terms and conditions of the 1033 program. The acquisition of property through the 1033 program or the transfer between law enforcement agencies of property obtained through the 1033 program also must be approved by State and local authorities. The program procedures do not require local law enforcement officials to obtain the approval of the governing body of a local unit before submitting an application to enroll in, or acquire property, through the 1033 program.

The bill requires an application for the enrollment of a county or municipal law enforcement agency in the 1033 program to be approved by a resolution adopted by a majority of the full membership of the governing body prior to the submission of an application to the State Coordinator. This legislation also requires the actual acquisition of property through the 1033 program to be approved by a resolution adopted by the full membership of the governing body.

As reported by the committee, this bill is identical to Assembly Bill No. 3901, which also was amended and reported on this same date.

# ASSEMBLY, No. 3901

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 4, 2014

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Requires local unit approval of applications for participation in federal 1033 program.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the use of surplus federal property transferred  
2 to local law enforcement agencies and supplementing chapter 5  
3 of Title 40A of the New Jersey Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislature finds and declares that:

9 a. Federal law permits the Secretary of the United States  
10 Department of Defense to transfer to federal and State agencies  
11 personal property of the Department of Defense that the secretary  
12 determines is suitable for use by agencies in law enforcement  
13 activities, including counterdrug and counterterrorism activities and  
14 is excess to the needs of the Department of Defense.

15 b. Informally known as the “1033 Program,” this initiative  
16 allows local law enforcement agencies to obtain, at little or no cost  
17 and without the approval of the governing body of the local unit,  
18 surplus federal property, including aircraft, armored vehicles,  
19 automatic weapons, and night vision equipment originally intended  
20 for use by the United States Armed Forces.

21 c. According to the New Jersey Department of Public Safety,  
22 the Office of Emergency Management has assisted with the transfer  
23 of over \$30 million in excess Department of Defense property to  
24 participating law enforcement agencies since the beginning of  
25 federal fiscal year 2014.

26 d. In this era of fiscal constraint, participation in the 1033  
27 program allows local units to obtain equipment that they might not  
28 otherwise be able to afford, and to prepare for, respond to, and  
29 recover from incidents of terrorism and natural disasters, such as  
30 hurricanes and severe floods.

31 e. Although equipment is provided through the 1033 program  
32 at no cost to county and municipal law enforcement agencies, these  
33 entities are responsible for costs associated with the maintenance,  
34 fueling and upkeep of this equipment, and for specialized training  
35 for its operation.

36 f. Recent events in Ferguson, Missouri, regarding the use of  
37 military equipment to respond to civil protest, have brought  
38 increased public scrutiny to the 1033 program and questions  
39 regarding those situations in which equipment obtained through the  
40 1033 program is utilized.

41 g. Taxpayers are the primary consumers and financiers of  
42 services provided by county and municipal law enforcement  
43 agencies and have the rights to be assured that their money is being  
44 spent in an efficient and effective manner right to know the  
45 purposes for which public funds are utilized.

46 h. It is not the Legislature’s intent to deny county and  
47 municipal law enforcement agencies access to equipment vital to  
48 public safety and counterterrorism efforts, but elected civilian

1 officials, such as mayors, municipal council members county  
2 executives, and county freeholders, are ultimately responsible for  
3 the supervision, policies, and budgetary decisions governing these  
4 entities.

5 i. Civilian officials are also responsible for the acquisition of  
6 equipment necessary for local law enforcement agencies to carry  
7 out their responsibilities, yet current law does not require that they  
8 formally approve such acquisitions through the 1033 program.

9 j. It is therefore appropriate to establish a system of local  
10 oversight for county and municipal law enforcement agencies that  
11 participate in and acquire equipment through the 1033 program and  
12 guidelines for the use of this equipment by those entities.

13

14 2. a. An application for the enrollment of a county or  
15 municipal law enforcement agency in any program established by  
16 the United States Department of Defense pursuant to 10 U.S.C.  
17 s.2576a shall be approved by a resolution adopted by a majority of  
18 the full membership of the governing body of a local unit prior to  
19 the transmittal of any such application to the State Coordinator of  
20 any such program.

21 b. The acquisition of any property by a county or municipal  
22 law enforcement agency enrolled in any program established by the  
23 United States Department of Defense pursuant to 10 U.S.C. s.2576a  
24 shall be approved by a resolution adopted by a majority of the full  
25 membership of the governing body of a local unit.

26 c. As used in this section, "county or municipal law  
27 enforcement agency" means and includes, but is not limited to, a  
28 county or municipal police department or force, a county  
29 corrections department, and a county sheriff's office.

30

31 3. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 The federal 1033 program permits the Secretary of Defense to  
37 transfer to State and local agencies personal property of the United  
38 States Department of Defense, that the secretary determines is  
39 suitable for use by agencies in law enforcement activities, including  
40 counterdrug and counterterrorism activities, and is excess to the  
41 needs of the Department of Defense. The authority granted to the  
42 secretary has been delegated to the Defense Logistics Agency  
43 (DLA), which determines whether property is suitable for use by  
44 agencies in local law enforcement activities.

45 The Office of Emergency Management in the New Jersey State  
46 Police serves as State Coordinator for local (county and municipal)  
47 law enforcement agencies that participate, or seek to enroll, in the  
48 1033 program. As the program currently operates, local law

**A3901 JOHNSON, DANCER**

1 enforcement agencies must request enrollment through the State  
2 Coordinator and the DLA Law Enforcement Support Office. If  
3 enrollment is approved, the law enforcement agency must sign a  
4 memorandum of agreement with the State Coordinator agreeing to  
5 the terms and conditions of the 1033 program. The acquisition of  
6 property through the 1033 program or the transfer between law  
7 enforcement agencies of property obtained through the 1033  
8 program must also be approved by State and federal authorities.  
9 The program procedures do not require local law enforcement  
10 officials to obtain the approval of the governing body of a local unit  
11 before submitting an application to enroll in, or acquire property,  
12 through the 1033 program.

13 This bill requires an application for the enrollment of a county or  
14 municipal law enforcement agency in the 1033 program to be  
15 approved by a resolution adopted by a majority of the full  
16 membership of the governing body prior to the submission of an  
17 application to the State Coordinator. This legislation also requires  
18 the actual acquisition of property through the 1033 program to be  
19 approved by a resolution adopted by the full membership of the  
20 governing body.

21 The sponsor believes that local elected officials should be  
22 required to approve the participation of county and municipal law  
23 enforcement agencies in a program through which property,  
24 originally intended for use by the United States military, may be  
25 obtained and to approve the acquisition of such property. Increased  
26 local oversight of the 1033 program will help ensure that local law  
27 enforcement agencies obtain equipment necessary and appropriate  
28 for the execution of their responsibilities, and that it is used  
29 responsibly.



# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3901**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 12, 2015

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3901.

As amended and reported by the committee, Assembly Bill No. 3901 requires local approval of applications for surplus Department of Defense military equipment under the federal 1033 program.

The federal 1033 program permits the Secretary of Defense to transfer to State and local agencies personal property of the United States Department of Defense, that the secretary determines is suitable for use by agencies in law enforcement activities, including counterdrug and counterterrorism activities, and is excess to the needs of the Department of Defense. The authority granted to the secretary has been delegated to the Defense Logistics Agency (DLA), which determines whether property is suitable for use by agencies in local law enforcement activities.

The Office of Emergency Management in the New Jersey Division of State Police serves as State Coordinator for local (county and municipal) law enforcement agencies that participate, or seek to enroll, in the 1033 program. As the program currently operates, local law enforcement agencies must request enrollment through the State Coordinator and the DLA Law Enforcement Support Office. If enrollment is approved, the law enforcement agency is required to sign a memorandum of agreement with the State Coordinator agreeing to the terms and conditions of the 1033 program. The acquisition of property through the 1033 program, or the transfer between law enforcement agencies of property obtained through the 1033 program, also is required to be approved by State and federal authorities. The program procedures do not require local law enforcement officials to obtain the approval of the governing body of a local unit before submitting an application to enroll in, or acquire property, through the 1033 program.

This bill requires an application for the enrollment of a county or municipal law enforcement agency in the 1033 program to be approved by a resolution adopted by a majority of the full membership of the governing body prior to the submission of an application to the State Coordinator. This legislation also requires the actual acquisition

of property through the 1033 program to be approved by a resolution adopted by the full membership of the governing body.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2364 (1R), which also was reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee made technical amendments to the bill.