HOUSE DOCKET, NO. 3075 FILED ON: 1/16/2015

HOUSE . . . . . No. 2144

The Commonwealth of Massachusetts

PRESENTED BY:

Mary S. Keefe

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to military grade controlled property.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mary S. Keefe	*15th Worcester*
Michael J. Barrett	*Third Middlesex*
James B. Eldridge	*Middlesex and Worcester*
Marjorie C. Decker	*25th Middlesex*
David M. Rogers	*24th Middlesex*
Carolyn C. Dykema	*8th Middlesex*
Chris Walsh	*6th Middlesex*
Carmine L. Gentile	*13th Middlesex*
Denise Provost	*27th Middlesex*
Kay Khan	*11th Middlesex*
Byron Rushing	*9th Suffolk*
Carlos Gonzalez	*10th Hampden*
Paul R. Heroux	*2nd Bristol*
Sean Garballey	*23rd Middlesex*

HOUSE DOCKET, NO. 3075 FILED ON: 1/16/2015

HOUSE . . . . . No. 2144

By Ms. Keefe of Worcester, a petition (accompanied by bill, House, No. 2144) of Mary S. Keefe and others relative to transfers of military-grade controlled property to state law enforcement agencies. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to military grade controlled property.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 29 of the General Laws, as amended by section 112 of chapter 165 of the Acts of 2012, is hereby amended by inserting after the twenty-second paragraph the following paragraph:-

“Federal agency”, any federal military, law enforcement or intelligence agency, department, or division.

SECTION 2. Section 1 of chapter 29 of the General Laws, as amended by section 112 of chapter 165 of the Acts of 2012, is hereby amended by inserting after the twenty-fifth paragraph the following paragraph:-

"Law enforcement agency", a police department, sheriff department, state or county correctional facility or lockup, regional law enforcement council, so-called, or cooperative or other joint task force or other entity with authority to enforce the laws of the Commonwealth.

12 SECTION 3. Section 1 of chapter 29 of the General Laws, as amended by section 112 of
13 chapter 165 of the Acts of 2012, is hereby amended by inserting after the twenty-sixth paragraph
14 the following paragraphs:-

15 “Local legislative body”, the democratically-elected governing body that plays a
16 deliberative, general policymaking role for a city or town, such as the city council, select board,
17 or other similar entity.

18 "Military grade controlled property,” equipment, articles, services and related technical
19 data as enumerated in 22 Code of Federal Regulations, chapter 1, Part 121.1, pursuant to sections
20 38 and 47(7) of the Arms Export Control Act, Title 22 United States Code, sections 2778 and
21 2794(7), the “Department of State Munitions Control List” so-called; or in 15 Code of Federal
22 Regulations, section 774, the “Department of Commerce Control List,” so-called.

23 SECTION 4. Section 6B(a)(3) of chapter 29 of the General Laws, as amended by
24 section 112 of chapter 165 of the Acts of 2012, is hereby amended by striking out in the last line
25 of paragraph (ii), the word:

26 “and”

27 SECTION 5. Section 6B(a)(3) of chapter 29 of the General Laws, as amended by section
28 112 of chapter 165 of the Acts of 2012, is hereby amended by inserting after the word
29 “discontinued” in paragraph (iii), the following:

30 ; and

31 (iv) the projected annual maintenance costs of any military grade controlled property
32 transferred or acquired from a federal agency

33 SECTION 6. Section 6B(a)(3) of chapter 29 of the General Laws, as amended by section
34 112 of chapter 165 of the Acts of 2012, is hereby amended by inserting after subsection (j)(4),
35 the following paragraph:

36 (k) The type and quantity of military grade controlled property for purchase with any
37 federal grant funds or for acquisition by transfer, including but not limited to transfers by the
38 United States Department of Defense pursuant to the 1033 Program, so-called, as authorized by
39 Title 10, §2576a of the United States Code, from a federal agency to a state law enforcement
40 agency, including but not limited to the Massachusetts State Police within the Executive Office
41 of Public Safety and Security, shall be set out with particularity to the general court for its
42 consideration of proposed appropriations and establishing state policies and priorities.

43 SECTION 7. Chapter 29 of the General Laws, as amended by section 112 of chapter 165
44 of the Acts of 2012, is hereby amended by adding the following section:

45 Section 6B½. Transfers of military-grade controlled property

46 Section 6B½. (a) Any transfers, however made, of military grade controlled property or
47 of federal funds or grant monies relating to military grade controlled property, including but not
48 limited to transfers by the United States Department of Defense pursuant to the 1033 Program,
49 so-called, as authorized by Title10, §2576a of the United States Code, from a federal agency to a
50 local law enforcement agency within the commonwealth shall be subject to the following
51 requirements:

52 (1) A local law enforcement agency seeking to apply for the transfer of military grade
53 controlled property or related funds or grant monies from a federal agency shall provide notice to

54 the local legislative body of any intended application, including a detailed list of supplies and
55 equipment sought to be acquired.

56 (2) The local legislative body shall hold a public hearing regarding the prospective
57 application, due notice of which shall be advertised to the public, and shall allow the public the
58 opportunity to testify and comment at the hearing.

59 (3) The local law enforcement agency shall respond in writing to any questions and
60 matters raised by officials and residents at such public hearing.

61 (4) No local law enforcement agency shall apply for the transfer of military grade
62 controlled property or related funds or grant monies from a federal agency without a prior public
63 vote of approval by the local legislative body, which approval shall describe the supplies and
64 equipment to be sought with particularity.

65 (5) All applications by local law enforcement agencies for the transfer of military grade
66 controlled property or related funds or grant monies from a federal agency shall include
67 documentation of such legislative approval.

68 (b) Any transfers, however made, of military grade controlled property or of federal
69 funds or grant monies relating to military grade controlled property, including but not limited to
70 transfers by the United States Department of Defense pursuant to the 1033 Program, so-called, as
71 authorized by Title10, §2576a of the United States Code, from a federal agency to a multi-
72 jurisdictional law enforcement agency within the commonwealth shall be subject to the
73 following requirements:

74 (1) A regional law enforcement council, so-called, or other multi-jurisdiction law
75 enforcement agency constituted by entities or representatives from multiple agencies within the
76 commonwealth seeking to apply for the transfer of military grade controlled property or related
77 funds or grant monies from a federal agency shall provide notice to each of the local legislative
78 bodies for the cities and towns participating in the regional or multi-jurisdiction law enforcement
79 agency regarding any prospective application.

80 (2) Before applying for the transfer of military grade controlled property or related funds
81 or grant monies, any such regional law enforcement council or multi-jurisdiction agency shall
82 obtain approval from the Secretary of Public Safety and Security, who shall take into
83 consideration any information, comments and recommendations from the local legislative bodies
84 for the cities and towns participating in the regional or multi-jurisdiction law enforcement
85 agency.

86 (3) All applications by such regional law enforcement councils or multi-jurisdiction
87 agencies for the transfer of military grade controlled property or related funds or grant monies
88 from a federal agency shall include documentation of the approval of the secretary.

89 (c) Any transfers, however made, of military grade controlled property or of federal funds
90 or grant monies relating to military grade controlled property, including but not limited to
91 transfers by the United States Department of Defense pursuant to the 1033 Program, so-called, as
92 authorized by Title10, §2576a of the United States Code, from a federal agency to the
93 department of state police within the commonwealth shall be subject to the following
94 requirements:

95 (1) The department of state police shall obtain approval from the Secretary of Public
96 Safety and Security before applying for the transfer of military grade controlled property or
97 related funds or grant monies from a federal agency.

98 (2) All applications by the department of state police for the transfer of military grade
99 controlled property or related funds or grant monies from a federal agency shall include
100 documentation of such approval.