

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 240  
Judiciary

(Delegate Moon, *et al.*)

Judicial Proceedings

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Law Enforcement - Federal Surplus Program - Equipment Acquisition

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This bill requires a law enforcement agency that acquires equipment from a “surplus program” to post notice of the acquisition, within 14 days of the acquisition, on a publicly accessible website. By December 31 each year, a law enforcement agency that has received equipment from a surplus program within the preceding calendar year must report the receipt of the equipment to the Governor and the General Assembly.

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Fiscal Summary

**State Effect:** State law enforcement agencies can post and report the required information with existing resources. Revenues are not affected.

**Local Effect:** Local law enforcement agencies can post and report the required information with existing resources. Revenues are not affected.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** “Surplus program” means a program operated by the federal government for the transfer of surplus military equipment to a law enforcement agency.

**Current Law/Background:** State and local law enforcement agencies can obtain excess federal property at little or no cost through the 1033 Program, the 1122 Program, and the Surplus Property Donation Program.

*The 1033 Program:* The National Defense Authorization Act (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, without charge, 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 program has allowed law enforcement agencies to acquire vehicles (land, air, and sea), weapons, computer equipment, fingerprint equipment, night-vision equipment, radios and televisions, first aid equipment, tents and sleeping bags, and photographic equipment, among other items.

*The 1122 Program:* The NDAA for federal fiscal 1994 contained Section 1122, which allows state and local governments to purchase new law enforcement equipment for counter-drug activities through the federal government. The law allows transfer of excess DOD property that might otherwise be destroyed to law enforcement agencies across the United States and its territories.

*Surplus Property Donation Program:* The Federal Surplus Property Donation Program enables certain nonfederal organizations, such as local jurisdictions (states, cities, counties, towns, and villages) and nonprofit organizations, to obtain surplus property from the federal government based on an application process. Law enforcement agencies enrolled in the 1033 Program are among the governmental agencies eligible to obtain property from the program. The Department of General Services is the designated State agency that administers the federal donation program in Maryland.

Personal property includes all types and categories of property, except land and real property, certain naval vessels, and records of the federal government. Examples of surplus property are (1) communication and electronic equipment, including computers; (2) furniture/motor vehicles/clothing/medical equipment supplies; (3) hand and machine tools, appliances, hardware, and boats; and (4) construction equipment and airplanes/generators.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 661 (Senator Lee) - Judicial Proceedings.

**Information Source(s):** Baltimore City; Harford and Talbot counties; City of College Park; Comptroller's Office; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Department of General Services; Department of Natural Resources; Department of State Police; U.S. Department of Justice; Defense Logistics Agency; Department of Legislative Services

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