
HOUSE BILL 2203

State of Washington

64th Legislature

2015 Regular Session

By Representatives Shea, Taylor, G. Hunt, Condotta, Scott, Young, and McCaslin

Read first time 03/24/15. Referred to Committee on Public Safety.

1 AN ACT Relating to the use of surplus federal property
2 transferred to local law enforcement agencies; adding a new section
3 to chapter 36.28 RCW; creating a new section; and declaring an
4 emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

7 (1) Federal law permits the secretary of the United States
8 department of defense to transfer to federal and state agencies
9 personal property of the department of defense that the secretary
10 determines is suitable for use by agencies in law enforcement
11 activities, including counterdrug and counterterrorism activities,
12 and is excess to the needs of the department of defense.

13 (2) Informally known as the "1033 program," this initiative
14 allows local law enforcement agencies to obtain, at little or no cost
15 and without the approval of the governing body of the local unit,
16 surplus federal property, including aircraft, armored vehicles,
17 automatic weapons, and night vision equipment originally intended for
18 use by the United States armed forces.

19 (3) In this era of fiscal constraint, participation in the 1033
20 program allows local units to obtain equipment that they might not
21 otherwise be able to afford, and to prepare for, respond to, and

1 recover from incidents of terrorism and natural disasters, such as
2 hurricanes and severe floods.

3 (4) Although equipment is provided through the 1033 program at no
4 cost to county and municipal law enforcement agencies, these entities
5 are responsible for costs associated with the maintenance, fueling,
6 and upkeep of this equipment, and for specialized training for its
7 operation.

8 (5) Recent events in Ferguson, Missouri, regarding the use of
9 military equipment to respond to civil protest, have brought
10 increased public scrutiny to the 1033 program and questions regarding
11 those situations in which equipment obtained through the 1033 program
12 is utilized.

13 (6) Taxpayers are the primary consumers and financiers of
14 services provided by county and municipal law enforcement agencies
15 and have the right to be assured that their money is being spent in
16 an efficient and effective manner and the right to know the purposes
17 for which public funds are utilized.

18 (7) It is not the legislature's intent to deny county and
19 municipal law enforcement agencies access to equipment vital to
20 public safety and counterterrorism efforts, but elected civilian
21 officials, such as mayors, municipal councilmembers, county
22 executives, and county freeholders, are ultimately responsible for
23 the supervision, policies, and budgetary decisions governing these
24 entities.

25 (8) Civilian officials are also responsible for the acquisition
26 of equipment necessary for local law enforcement agencies to carry
27 out their responsibilities, yet current law does not require that
28 they formally approve such acquisitions through the 1033 program.

29 (9) It is therefore appropriate to establish a system of local
30 oversight for county and municipal law enforcement agencies that
31 participate in and acquire equipment through the 1033 program and
32 guidelines for the use of this equipment by those entities.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.28
34 RCW to read as follows:

35 (1) An application for the enrollment of a county or municipal
36 law enforcement agency in any program established by the United
37 States department of defense pursuant to 10 U.S.C. Sec. 2576a must be
38 approved by a resolution adopted by a majority of the full membership

1 of the governing body of a local unit prior to the transmittal of any
2 such application to the state coordinator of any such program.

3 (2) The acquisition of any property by a county or municipal law
4 enforcement agency enrolled in any program established by the United
5 States department of defense pursuant to 10 U.S.C. Sec. 2576a must be
6 approved by a resolution adopted by a majority of the full membership
7 of the governing body of a local unit.

8 (3) As used in this section, "county or municipal law enforcement
9 agency" includes a county or municipal police department or force, a
10 county corrections department, and a county sheriff's office.

11 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of
13 the state government and its existing public institutions, and takes
14 effect immediately.

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