S T A T E O F N E W Y O R K

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I N A S S E M B L Y

February 8, 2011

Introduced by M. of A. KOLB, BURLING, BUTLER, CALHOUN, CORWIN, CROUCH, DUPREY, GIGLIO, HAWLEY, HAYES, JORDAN, McDONOUGH, MOLINARO, OAKS, RABBITT, RAIA, TOBACCO, CASTRO, CASTELLI -- Multi-Sponsored by -- M. of A. BARCLAY, GABRYSZAK, JEFFRIES, P. LOPEZ, MAGEE, MENG, SALADINO, TEDISCO, THIELE, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to state participation in the federal law enforcement support office equipment program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent and purpose. The secretary of defense is authorized by 10 U.S.C S2576a to transfer to federal and state agencies, at no charge, personal property that is in excess to the needs of the department of defense and that the secretary determines is suitable to be used by such agencies in law enforcement activities, with an emphasis on counterdrug/counterterrorism activities. The authorities granted to the secretary of defense have been delegated to the defense logistic agency's law enforcement support office (LESO) in determining whether property is suitable for use by agencies in law enforcement activities. The defense logistics agency defines law enforcement activities as activities performed by government agencies whose primary function is the enforcement of applicable federal, state and local laws and whose compensated law enforcement officers have powers of arrest and apprehension.

Currently over 17,000 federal and state law enforcement agencies from 49 states and the U.S. territories participate in the program. Examples of surplus property include aircraft, vehicles, weapons and accessories, body armor, generators, night vision goggles, cameras, computers and training equipment.

Public safety cannot be compromised during these difficult economic times. Participation in the LESO 1033 program will allow law enforcement

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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agencies throughout the state to acquire the equipment needed to carry out their duties more effectively, at no cost to taxpayers.

S 2. The executive law is amended by adding a new section 845-c to read as follows:

S 845-C. LESO 1033 PROGRAM. 1. THE STATE OF NEW YORK SHALL ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE DEFENSE LOGISTICS AGENCY ON BEHALF OF THE SECRETARY OF DEFENSE WITH RESPECT TO EXCESS DEPARTMENT OF DEFENSE PERSONAL PROPERTY WHICH IS TRANSFERRED PURSUANT TO 10 U.S.C. S2576A.

2. THE STATE SHALL ESTABLISH AND SUBMIT TO THE DEFENSE LOGISTICS AGENCY, A PLAN OF OPERATION, DEVELOPED IN ACCORDANCE WITH FEDERAL AND STATE LAW AND CONFORMING TO THE PROVISIONS OF THE MEMORANDUM OF AGREEMENT. SUCH PLAN SHALL: (A) DETAIL ORGANIZATIONAL AND OPERATIONAL AUTHORITY INCLUDING STAFFING AND FACILITIES; AND (B) ADDRESS PROCEDURES FOR MAKING DETERMINATIONS OF ELIGIBILITY, ALLOCATION AND EQUITABLE DISTRIBUTION OF PROPERTY, COMPLIANCE AND REUTILIZATION REVIEWS, AND PROCEDURES WITH RESPECT TO ACCOUNTABILITY AND PROPERTY DISPOSAL.

3. THE GOVERNOR SHALL APPOINT THE COMMISSIONER AS STATE COORDINATOR FOR THE LESO 1033 PROGRAM WHO SHALL DESIGNATE A POINT OF CONTACT WITH SIGNATURE AUTHORITY TO ADMINISTER THE DAY-TO-DAY OPERATIONS OF THE PROGRAM.

4. ALL REQUESTS FOR PROPERTY SHALL BE BASED ON BONA FIDE LAW ENFORCEMENT REQUIREMENTS. PROPERTY RECEIVED THROUGH THE LESO 1033 PROGRAM SHALL ONLY BE DISTRIBUTED TO AUTHORIZED LAW ENFORCEMENT AGENCIES. ANY TRANSPORTATION, REPAIR, MAINTENANCE, INSURANCE, DISPOSAL OR OTHER EXPENSES ASSOCIATED WITH SUCH PROPERTY SHALL BE THE SOLE RESPONSIBILITY OF THE STATE OF NEW YORK.

S 3. This act shall take effect immediately.