STATE OF NEW YORK

2535

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. REYES, DE LA ROSA, BARRON, FRONTUS, GOTTFRIED, SEAWRIGHT, SIMON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to divestment from the 1033 federal excess property program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The executive law is amended by adding a new section 837-w to read as follows:

§ 837-w. Divestment from 1033 federal excess property program. 1. No local police department, county sheriff's office, the division of the state police or any agency that employs a peace officer in this state shall participate in the 1033 federal excess property program for the purposes of receiving lethal or offensive weapons. The division shall promulgate rules and regulations regarding the definition of lethal or offensive weapons for the purposes of this section.

2. The division, in conjunction with the state attorney-general and the division of homeland security and emergency services, shall coordinate the return or disposal of all lethal or offensive weapons provided to any local police department, county sheriff's office, the division of the state police or any agency that employs a peace officer in this state pursuant to the 1033 federal excess property program.

3. Notwithstanding the provisions of subdivisions one and two of this section, the city of New York shall be permitted to retain such lethal or offensive weapons provided pursuant to the 1033 federal excess property program for the purposes of counterterrorism as determined by the division, in consultation with the United States department of homeland security.

4. The division shall annually prepare and publish a public report on the state of participation in the 1033 federal excess property program in the state. Such report shall be made to the governor, the temporary president of the senate, the speaker of the assembly and the attorney general, and shall be posted on the website of the division.

§ 2. This act shall take effect immediately.

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

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