

# 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:

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

3 § 837-w. Divestment from 1033 federal excess property program. 1. No  
4 local police department, county sheriff's office, the division of the  
5 state police or any agency that employs a peace officer in this state  
6 shall participate in the 1033 federal excess property program for the  
7 purposes of receiving lethal or offensive weapons. The division shall  
8 promulgate rules and regulations regarding the definition of lethal or  
9 offensive weapons for the purposes of this section.

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

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

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

27 § 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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