

Assembly Bill (AB) 481 added **California Government Code sections 7070-7072** requiring law enforcement agencies to obtain approval of the applicable governing body, by adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined ...

CHAPTER 12.8. Funding, Acquisition, and Use of Military Equipment [7070 - 7075]

(Chapter 12.8 added by Stats. 2021, Ch. 406, Sec. 2.)

7072.

(a) A law enforcement agency that receives **approval** for a **military equipment** use policy pursuant to Section 7071 shall submit to the governing body an annual **military equipment** report for each type of **military equipment** approved by the governing body within one year of **approval**, and annually thereafter for as long as the **military equipment** is available for use. The law enforcement agency shall also make each annual **military equipment** report required by this section publicly available on its internet website for as long as the **military equipment** is available for use. The annual **military equipment** report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of **military equipment**:

(1) A summary of how the **military equipment** was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the **military equipment**.

(3) The results of any internal audits, any information about violations of the **military equipment** use policy, and any actions taken in response.

(4) The total annual cost for each type of **military equipment**, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the **military equipment** in the calendar year following submission of the annual **military equipment** report.

(5) The quantity possessed for each type of **military equipment**.

(6) If the law enforcement agency intends to acquire additional **military equipment** in the next year, the quantity sought for each type of **military equipment**.

(b) Within 30 days of submitting and publicly releasing an annual **military equipment** report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual **military equipment** report and the law enforcement agency's funding, acquisition, or use of **military equipment**.

(Added by Stats. 2021, Ch. 406, Sec. 2. (AB 481) Effective January 1, 2022.)

CHAPTER 12.8. Funding, Acquisition, and Use of Military Equipment [7070 - 7075]

(Chapter 12.8 added by Stats. 2021, Ch. 406, Sec. 2.)

7071.

(a) (1) A law enforcement agency shall obtain **approval** of the governing body, by an ordinance adopting a **military equipment** use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting **military equipment** made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for **military equipment**, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring **military equipment** either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of **military equipment** within the territorial jurisdiction of the governing body.

(E) Using any new or existing **military equipment** for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, **military equipment**.

(G) Acquiring **military equipment** through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any **military equipment** that was acquired prior to January 1, 2022, shall commence a governing body **approval** process in accordance with this section. If the governing body does not approve the continuing use of **military equipment**, including by adoption pursuant to this subdivision of a **military equipment** use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed **military equipment** use policy to the governing body, the law enforcement agency shall cease its use of the **military equipment** until it receives the **approval** of the governing body in accordance with this section.

(b) In seeking the **approval** of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed **military equipment** use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the **military equipment** at issue.

(c) The governing body shall consider a proposed **military equipment** use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a **military equipment** use policy pursuant to this chapter if it determines all of the following:

(A) The **military equipment** is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed **military equipment** use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the **equipment**, the **equipment** is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior **military equipment** use complied with the **military equipment** use policy that was in effect at the time, or if prior uses did not comply with the accompanying **military equipment** use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final **military equipment** use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the **military equipment** is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of **military equipment** at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual **military equipment** report submitted pursuant to Section 7072, whether each type of **military equipment** identified in that report has complied with the standards for **approval** set forth in subdivision (d). If the governing body determines that a type of **military equipment** identified in that annual **military equipment** report has not complied with the standards for **approval** set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of **military equipment** or require modifications to the **military equipment** use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a **military equipment** use policy based on local community needs.

(Added by Stats. 2021, Ch. 406, Sec. 2. (AB 481) Effective January 1, 2022.)