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SENATOR, 34TH SENATE DISTRICT

SB 99: Preventing Banned Military Equipment Purchases



SUMMARY

SB 99 would prevent local law enforcement agencies from purchasing or obtaining certain military equipment if the United States Armed Forces is also prohibited from obtaining the same equipment.

BACKGROUND

Existing state law requires a law enforcement agency to obtain approval from an elected body to purchase and acquire military equipment. The elected or governing body must then consider the request at an open session or regular meeting.

The definition of military equipment is broad, and state law requires that the acquisition be necessary with no reasonable alternative that can achieve the same objective of officer and civilian safety. The legislature has also included several other requirements that law enforcement agencies must consider, ranging from public welfare and civil liberty considerations to cost-benefit analyses. However, the list of requirements fail to consider developing Department of Defense policies pertaining to prohibited foreign-made equipment.

One example of evolving prohibition policies is the increased domestic sale and use of Chinese drones manufactured by DJI. The company accounted for 58 percent of the US commercial market in 2022, with a large percentage of sales going to law enforcement agencies. However, many policymakers and the Department of Defense consider DJI drones a national security

threat. The New York Times recently reported that cybersecurity researchers have found that Beijing could potentially exploit vulnerabilities in an app that controls the drone to gain access to large amounts of personal information. The Pentagon has banned the use of DJI drones, and in January, the Interior Department decided to continue grounding its fleet of drones over security fears. Federal legislation has also been introduced to ban all domestic sales.

SOLUTION

If the US military deems certain equipment unsuitable for its use, state and local policy should apply the same standard when considering the procurement of military equipment for local law enforcement.

SB 99 simply specifies that an applicable governing body shall not approve a military equipment policy for local law enforcement if the United States Armed Forces is prohibited from purchasing that equipment from a manufacturer or seller.

FOR MORE INFORMATION

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